

Jury Service Accessibility for Older Persons and Persons with Disabilities in Florida

Full Report

Jury Accessibility Study

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a collaborative project by the

**Southeast Florida Center on Aging
of Florida International University**

and the

Florida Supreme Court Commission on Fairness

EXECUTIVE SUMMARY

Purpose of the Study

The right to trial by a jury of one's peers is a primary and unique characteristic of the American judicial system (Shuman, Hamilton, & Daley, 1994). Jury service is a privilege and responsibility of citizenship. Older citizens and citizens with disabilities should be able, along with other citizens, to exercise this fundamental right and responsibility.

Title II of the Americans with Disabilities Act of 1990 (ADA) prohibits state and local governmental entities from discriminating against individuals on the basis of disability. Title II covers state court programs and services, including jury service. It requires courts to provide access to jury service by making reasonable changes in policies, practices, and procedures; ensuring effective communication (e.g., sign language interpreters for individuals who are deaf or hard of hearing); and removing architectural barriers in courthouse facilities (Bleyer, McCarty, & Wood, 1995).

According to legal experts, barriers still exist in many states which prevent older citizens and citizens with disabilities from participating fully in jury service (Bleyer, McCarty, & Wood, 1995). For example, courtrooms may be unable to accommodate jurors who use wheelchairs, walkers, or other physical aids so that they, like other citizens, can take part in the democratic process of jury service (Coalition of Wisconsin Aging Groups' Elder Law Center, 1994). Thus, the primary goals of this project were to (1) determine in Florida the accessibility of jury service for older citizens and citizens with disabilities, and (2) recommend steps Florida courts can take to enhance the accessibility of jury service.

There are several important reasons for conducting this study in Florida. Florida is the fourth largest state in the nation, with more than 14 million residents currently, and more than 18 million residents projected by 2010 (Agency for Health Care Administration, 1997). The state presently has the largest proportion of older adults in the United States. More than 18% (approximately 2.7 million) of Florida's population is 65 and older, and this population is expected to increase by one-third in the next 15 years (Dunlop, Lazarus, Polivka, Rothman & Williams, 1996).

Age increases the possibility that one may have a disability. In fact, older adults (age 65 and over) comprise a disproportionate number of persons with disabilities. Of the 2.7 million older adults in Florida, more than 415,062 are disabled (defined as the inability to go outside the home alone [mobility limitation] or as the inability to take care of personal needs [self-care limitation]) (U.S. Census Bureau, 1990b).¹

However, older adults comprise only a portion of persons with disabilities. In Florida, more than 872,787 adults between the ages of 16 to 64 also have a disability (i.e. have a work disability, mobility limitation, or self-care limitation) (U.S. Census Bureau 1990a).¹ Given that the state's overall adult population is expected to increase over the next 15 years, it is expected that the adult disabled population will increase, as well (Dunlop, Lazarus, Polivka, Rothman & Williams, 1996).

The Florida disabled population estimates are based on the 1990 U.S. Census of the population, which provides data about general disabilities, not specific disabilities such as vision and hearing impairments. Therefore, these estimates may not include all persons with disabilities.

The first step of this study was to determine what the Florida courts have done, are doing now, or plan to do in terms of programs, services, and facilities for accommodating potential and impaneled older jurors and jurors with disabilities. Additionally, the study sought to identify obstacles Florida state courts may have encountered in attempting to modify court policies, practices, and procedures, as well as the actual physical courthouse facilities for accommodating older persons and persons with disabilities. The second step of this study was to survey older persons and persons with disabilities to identify their perceptions about the accessibility of jury service in Florida state courts and to assess their attitudes toward courts in general.

Methodology

Survey data were collected and analyzed over a four-month period. The survey included three parts:

- The first part was a survey of a sample of Florida courts to obtain a self-assessment of the accessibility of jury service for older adults and persons with disabilities. This survey dealt with the courts' knowledge of the requirements of the Americans with Disabilities Act of 1990 (ADA), the courts' ability to accommodate requests under the ADA, and the courts' awareness of other court-related needs of older persons and persons with disabilities.
- The second part consisted of a survey of older persons and persons with disabilities who were summoned and reported to jury duty, to gather information about their experiences with the court.
- The final part encompassed a telephone survey of prospective older jurors who did not report for jury duty, to gather information about why they did not report and their experiences with the court.

These surveys were followed by the convening of seven focus groups of individuals with disabilities in Duval, Alachua, Dade, and Broward counties. Special care was taken to ensure that racial and ethnic minorities were well represented in the focus group study. The purpose of the focus groups was to elicit descriptions of court experiences, perceptions about the court system, and recommendations of persons with disabilities for increasing their jury service within Florida courts.

SUMMARY OF FINDINGS AND CONCLUSIONS

ADA Compliance and Disability Awareness in the Courts

Overall, the Florida courts generally appear aware of and sensitive to disability issues. A vast majority of the courts have assigned a staff member to function in some capacity as an ADA coordinator; however, this is not necessarily a full-time position. Within the courthouse, this person coordinates efforts to comply with Title II of the act and disseminates information about disability issues.

It seems that many courts have provided training on ADA compliance and other disability issues to staff at a variety of levels. All of the courts note that policies and procedures are in place for identifying cases requiring reasonable accommodations under the ADA. Most courts also feel that these policies and procedures are effective in identifying these cases. Based on their reports, Florida courts appear aware of and informed about their obligations under the ADA.

A large majority of the courts indicated they are capable of accommodating persons with disabilities through the provision of staff assistance and facility accessibility. However, when it

comes to more complex and less frequently requested accommodations—such as making written information available in alternate formats, providing qualified sign language interpreters or real-time reporters, and other requests for accommodations by persons with disabilities other than mobility impairments—the courts clearly have less experience. Some courts noted they simply do not have these kinds of accommodations available because they do not see the need for them within their community.

When the courts were asked directly about how accommodating ADA requests has affected trial length or how effective the accommodations have been for the potential and/or impaneled juror, about half of the courts could not say because they did not have enough experience.

A few courts indicated that it was difficult to obtain services such as real-time transcription services and qualified sign language interpreters in their area. Only about one-half of the courts indicated that it was moderately to extremely easy to obtain these services. About one-third of the courts reported that these accommodations are available, but the courts just do not have enough experience with providing them to assess the level of difficulty in obtaining them. Courts do not have the experience, they related, because these accommodations are rarely, if ever, requested.

The question that arises from the courts' lack of experience in providing some of the more complex accommodations is, "Are Florida courts really ready and able to provide these accommodations should the need arise?"

If the goal of the Florida State Courts System is to increase participation in jury service, then the courts must be prepared to accommodate all persons who have been summoned and not properly excused from jury duty. Survey data indicate that the courts are generally aware of what is needed to accommodate older persons and persons with disabilities, but some courts lack experience in providing auxiliary aids and services or other accommodations. Furthermore, the courts do not seem to see the need for these accommodations among the population that the courts serve. Ability is reflective of experience. Without this experience, some of Florida's courts appear to be unprepared to provide the full range of accommodations required by the ADA.

The absence of experience in some jurisdictions in providing certain accommodations, along with the courts' perception that there is no need among potential users for such accommodations because they are rarely or never requested, are troubling. These perceptions and experiences may reflect or could invite a type of self-fulfilling prophecy. That is, prospective jurors or other potential court customers with significant disabilities may be peremptorily excused from jury service or discouraged from accessing the courts because they believe that the accommodations they need are not available. This situation may be perpetuated if the court, thinking there is no need for auxiliary aids or services because no one requests them, decides not to advertise that such accommodations are available.

Older persons and persons with disabilities may become disenfranchised and automatically seek excusal from jury duty. Furthermore, jury duty is often perceived as an inconvenience. Older persons and persons with disabilities may attempt to opt out of jury service rather than participate. And the court may too readily excuse them or even remove them permanently from the jury pool without proactively inquiring as to whether auxiliary aids or services would enable the individuals to participate.

Perhaps even more immediately troubling than the potential ill-preparedness of some courts to make available more complex accommodations is self-reported information indicating that some Florida courts may not be complying with the basic requirements of the ADA. Examples include:

- Never having used any auxiliary aids or services (21.9% of the sampled courts reported never having used any auxiliary aids and services).²
- Not having at least one hearing-aid compatible telephone and one telecommunications device for the deaf (TDD) available (only 43.8% of courts do).³
- Not having tactile signage inside the courthouse (only 53.1% of courts do).
- Not having at least one wheelchair-accessible jury box (only 59.4% of courts do).⁴
- Not having assistive-listening devices available in the jury deliberation room (only 56.3% of courts do) or jury box (only 71.9% of courts do).

Moreover, training on ADA compliance has been completed for the clerk's office staff in only 31.3% of the sampled jurisdictions, for court administrative staff in 71.9% of the sampled courts, and for judges in only 59.4% of sampled courts. While the courts would benefit from additional training for all officers and staff, it seems clear that the clerks of court are lagging far behind in providing training on the requirements of the ADA.

It is acknowledged that the courts are not required to provide auxiliary aids or services unless they are requested. Therefore, these courts cannot automatically be assumed to have violated the ADA. However, given the large population of older citizens and citizens with disabilities in the State of Florida, along with the large volume of court cases and the number of citizens who have contact with the court system, it seems unlikely that there is any jurisdiction in this state where there has never been a need for an auxiliary aid or service, although that need might not have been expressed to the court.

Courts are only required to have these adaptive telecommunication devices available to jurors if the courts have other telephones available to jurors.

Pursuant to the federal regulations, the courts are not required to retrofit existing jury boxes. However, in those instances the courts are required to provide program accessibility. Furthermore, in courtroom renovations or new construction, higher standards of architectural accessibility apply.

Citizens Participating in the Study

Individuals in each of the three stages of the jury process—assembly, selection, and service—had few complaints about court accessibility and treatment by court personnel. Moreover, most individuals who reported for jury duty found the experience interesting and gave the court system relatively high marks overall. However, they did question the fairness of the justice system in some respects, particularly in regard to the treatment of poor people versus wealthy people and minority people versus white people.

The focus group participants had a different outlook on the courts' accessibility and ability to accommodate the various needs of persons with disabilities. Focus group participants who have never reported for jury duty or otherwise appeared at the court as a witness or plaintiff tended to feel that the courts are either not interested in their serving as jurors or that the courts are unable to accommodate their disabilities. Consequently, they reasoned that even if they reported for jury duty they would be dismissed at the time of jury selection.

Important differences exist between individuals who reported for jury duty and completed the questionnaire on-site and those who did not report for jury duty and were interviewed at home by telephone. The general attitudes of those who volunteered to complete the survey on-site may well be different from the general attitudes of those who chose not to participate in the on-site survey. A similar attitudinal difference may have determined who was willing to complete the telephone interview and participate in the focus group sessions as well.

To the extent, however, that those who responded are representative of their respective populations, it appears that those who reported for jury duty and those who did not are two quite distinct populations of elders. In fact, socio-demographically, the former is younger, better-educated, and more experienced in jury service. Those who reported to jury duty generally were veteran jurors who had served or at least reported for service on several occasions. Moreover, they appeared to include a disproportionately small number of individuals with disabilities.

Because so few persons with disabilities turned up in the surveys, seven focus group sessions, each composed of an average of 12 individuals with disabilities, were assembled. The focus group participants were asked to respond to a series of questions covering issues similar to those in the surveys.

Attitudes Toward the Courts and Jury Service

Overall, despite differences in age, education level, and jury experience, the very positive attitudes regarding the value of jury service are quite similar for those who reported to jury duty, those who did not report, and participants in the focus group sessions. Interestingly, all three groups, including those in the on-site sample who completed the survey questions after having just been through the jury process, tended to feel largely unfamiliar with the court system and viewed its procedures as beyond the understanding of the average person.

Notwithstanding the high value assigned to jury service by all three samples, telephone respondents (83.8% of whom said they were 70 or older) reported less interest in actually serving on a jury than those who reported for jury duty and participated in the focus group sessions. Florida Statutes authorize individuals age 70 and older to be excused from jury duty upon their request (see §40.011(8), Fla.Stat.). It is possible that the lack of interest in jury service among telephone survey participants may have prompted their requests for excusal. This lack of interest in jury service accompanied a somewhat more negative attitude toward courts on the part of the telephone survey sample.

On virtually every survey question addressing confidence in the impartiality of Florida's courts, persons in the focus group sessions registered opinions that were decidedly more negative than the on-site survey and telephone survey populations. The overall negative outlook of both individuals who did not report for jury duty (who tended to be older) and the focus group participants (who tended to have more severe disabilities) suggests that there is a significant population of older citizens and citizens with disabilities who feel alienated from the Florida State Courts System.

Interestingly, telephone survey respondents believed they had a greater familiarity with the courts than did the on-site sample, although the on-site sample had more overall experience with jury service. Of note also, a very substantial proportion of telephone respondents who asked to be excused from jury duty claimed that they never heard back from the court regarding their request. It is possible that this factor may have contributed to these survey respondents' less favorable opinion of the courts.

Finally, in responding to a question as to whether they would report for jury duty if summoned by the court in the future, a majority of the telephone survey respondents said they would not. The dominant reasons given related to age, health/disability, or a combination of the two. While this response may indicate that elders are seeking a reprieve after a lifetime of civic duty, it may indicate the presence of a widely-shared assumption that age, disability, or illness disqualifies persons from jury service and/or that the courts cannot accommodate these perceived decrements. The latter indication certainly tended to be the dominant

perception among focus group participants.

Moreover, the younger members of the focus group sessions tended to believe that judicial officers and court personnel equate physical limitations with mental or cognitive deficits. They therefore believed that reporting for jury duty or even responding to the jury summons is a waste of time because they would not be chosen to serve on a jury anyway. The perception that the courts lack knowledge about disability issues and/or lack interest in meeting the needs of persons with disabilities could explain, at least in part, focus group members' greater sense of alienation from the courts.

On the other hand, when the telephone survey respondents who sought excusal from the recent summons were asked if they were physically incapable of serving as a juror, only 23.7% indicated that this was the case. Thus, the overall negative attitudes toward courts (which suggest a sense of alienation from the courts) and the explanation of age or impairment as barriers to jury duty, may ultimately be rationalizations for other reasons these individuals fail to report for jury duty. One likely factor is inconvenience. Alternatively, lack of self-efficacy or feelings of incompetence in meeting the requirements of a juror could be a fundamental factor. Low self-efficacy was offered as one explanation for the failure of persons of lower socio-economic status to report for jury duty in the recently completed national survey of all age groups conducted by the American Judicature Society (Boatright, 1998).

The apparent sense of alienation from the court system and any feelings of inadequacy that may contribute to the alienation may very well be perpetuated, or at least reinforced, among elders by the statutory age exemption. Section 40.013(8), Florida Statutes, provides that:

A person 70 years of age or older shall be excused from jury service upon request. A person 70 years of age or older may also be permanently excused from jury service upon written request.

This provision sends a message that persons who have reached age 70 are no longer needed or are viewed as incapable of making a positive contribution to society as a juror. This exemption from juror service along with the aforementioned message implicit in the exemption may, in fact, be the principal reasons that this study captured so few persons 70 or older (28.1%) among the sample of persons 65 and older reporting to jury duty.

RECOMMENDATIONS

The Southeast Florida Center on Aging and the Supreme Court Commission on Fairness are pleased to present the following recommendations, which are responsive to the findings of the court survey, juror surveys, and focus group sessions. These recommendations are aspirational and provide a vision of a future Florida State Courts System where jury service is fully accessible to elder citizens and citizens with disabilities. Some of the recommendations are required by existing civil rights laws. Other recommendations go beyond the scope of state and federal laws to address additional court-related needs of elders and persons with disabilities.

Recommendations for Policy and Programmatic Changes

- 1. It is recommended that the statutory affidavit forms for jury service be available at locations that older persons and persons with disabilities frequently visit (e.g., post offices, libraries, banks, pharmacies, senior citizen centers, etc.).**

Given the small number of persons with disabilities who appear to report for jury duty in Florida, it is possible that these individuals are not included on jury pool lists. The inclusion of older citizens and citizens with disabilities in the jury pool may be negatively affected by Florida's reliance on the registry of persons with drivers' licenses and state-issued identification cards as the principal jury wheel. However, section 40.011, Florida Statutes, authorizes the clerk of court to "add to the list the name of any person who is 18 years of age or older and who is a citizen of the United States and a legal resident of Florida and who indicates a desire to serve as a juror . . . by requiring such person to execute an affidavit at the office of the clerk."

The Florida Legislature should amend the statutes to allow the affidavit form to be executed in additional locations and then submitted to the clerk of court. Then the Florida courts should make the statutory affidavit forms available at locations that older persons and persons with disabilities frequently visit. The affidavit forms should be available in large print and accompanied by clear and simple instructions on how to complete the form and submit it to the clerk's office. The affidavit forms should also be accompanied by up-to-date information on auxiliary aids and services that the courts can provide and instructions for requesting such accommodations.

- 2. It is recommended that all requests for excusal that relate to illness or**

disability be referred for decision to the appropriate judge,⁵ who should confer with the court's ADA coordinator.

Since so few people with disabilities report for jury duty in Florida, it is possible these individuals are being inappropriately excused from reporting to jury service. Inappropriate excusal can be initiated either when the potential juror seeks excusal due to mere inconvenience rather than true hardship, or when the courts dismiss a potential juror for the courts' convenience rather than statutorily-approved reasons. Persons with disabilities should be held to the same standards for excusal as persons without disabilities.

Judges with the authority to grant excusals should be trained on the requirements of the Americans with Disabilities Act, as well as reasonable accommodations that can be provided for older jurors and jurors with disabilities. Court ADA coordinators should be provided with comprehensive training and have sufficient time available to develop a knowledge of and relationships with social service providers and auxiliary aids and services vendors in their community. Judges with the authority to grant excusals should regularly consult with the court's ADA coordinator, especially in regard to cases involving less common disability-related requests for excusal.

3. It is recommended that all judicial officers, clerks of court, and court staff undergo comprehensive training on the legal requirements of the ADA, as well as other court-related needs of elders and persons with disabilities.

Training for judges, ADA coordinators, clerk's office staff, jury managers, and other jury staff should be especially thorough and emphasize how to obtain auxiliary aids and services. At a minimum, all judicial officers, court staff, and clerk's staff should be explicitly trained to know when to seek counsel from the court ADA coordinator.

The results of this study convey a clear need for such training. Significant proportions of judges, court administration staff, and especially

Under Florida law, only a presiding judge is authorized to excuse from jury service a person "who is physically infirm" (see §40.013(5), Fla. Stat., and *Hoskins v. State*, 702 So. 2d 202 (Fla. 1997)). However, it is less clear whether authority to excuse from jury service a person "upon a showing of hardship [or] extreme inconvenience" (see §40.013(6), Fla. Stat.) can be delegated to a jury manager or other non-judge.

staff of the clerks' offices have not received even basic training on ADA compliance, disability awareness, or juror access issues. Judges should be informed about the need to announce the availability of auxiliary aids and services at all stages of the jury selection process. Also, judges must be reminded of the importance of speaking clearly and directly into the microphone at all times so that jurors who are hard of hearing can fully participate in the voir dire and trial proceedings.

- 4. It is recommended that the courts ensure that if telephones are available to potential and impaneled jurors for private phone calls, accessible telecommunications equipment is equally available.**

If potential and impaneled jurors are permitted to make phone calls, the courts should ensure that potential and impaneled jurors with disabilities have equal access to accessible telecommunications equipment. Accessible telecommunications equipment is readily available at a reasonable cost. Preferably, at least one hearing-aid compatible telephone and one telecommunications device for the deaf (TDD) should be located near the settings in which potential or impaneled jurors assemble. Potential and impaneled jurors with disabilities should not have to relay private or personal information through court staff because accessible telecommunications equipment is not available.

- 5. It is recommended that the courts ensure that all jury assembly rooms, courtrooms, and jury deliberation rooms are equipped with assistive-listening devices.**

Assistive listening devices can be used by some individuals who are hard of hearing to effectuate their participation in the jury process. The courts should immediately equip at least one jury assembly room, courtroom, and jury deliberation room with an assistive listening system. It is noted that some assistive listening systems are portable and could be moved from courtroom to courtroom, as needed. Furthermore, the courts should develop and implement a plan whereby assistive listening devices will be available in all jury assembly rooms, courtrooms, and jury deliberation rooms, within a reasonable amount of time.

- 6. It is recommended that the courts make real-time transcription services available whenever they are required by jurors who are deaf or hard of hearing.**

Some people who are deaf or hard of hearing cannot read sign language or benefit from the use of assistive listening devices. However,

they may be able to participate in jury service through the use of real-time transcription services. Real-time transcription service involves a specially-trained transcriptionist, computer and software, and a display monitor. The transcriptionist enters what is being said in the courtroom and text appears on the monitor within a few seconds, enabling the hearing impaired juror to participate.

Courts should make real-time transcription services available whenever they are necessary to effectuate participation by jurors who are deaf or hard of hearing. Such services should be provided in accordance with the Florida State Courts Systems Policy on Court Real-Time Transcription Services, which includes provisions specific to the use of real-time transcription services for jurors.

- 7. It is recommended that the courts make restrooms easily accessible to all potential and impaneled jurors at every setting in which these individuals are found (i.e. jury assembly rooms, courtrooms, and jury deliberation rooms).**

The courts should attend to the physical needs, convenience, and comfort of potential and impaneled jurors. While the ADA may only require that accessible restrooms be available somewhere within existing court facilities, persons who need accessible restrooms the most are often the least physically able to travel long distances to reach them. The easy availability of accessible restrooms near the jury assembly rooms, courtrooms, and jury deliberation rooms should be assured.

- 8. It is recommended that the courts make all doors (entrance and internal) sufficiently easy to open by persons using mobility devices or persons whose mobility or physical leverage is impaired.**

The courts should ensure that potential and impaneled jurors encounter no unnecessary physical barriers to their participation. This principle includes small details such as doors with levered handles rather than doorknobs, doors with the appropriate pounds of pressure, and automatic opening doors. These readily achievable modifications are addressed in the ADA Accessibility Guidelines.

- 9. It is recommended that jury boxes and jury deliberation rooms be accessible to individuals with disabilities, including persons who use mobility devices such as wheelchairs and scooters.**

The ADA Accessibility Guidelines provide various accessibility standards for existing facilities, renovations, and new construction. All

courthouse renovations and new construction should include jury box and jury deliberation room designs that are fully accessible.

While Title II of the ADA allows program accessibility to be utilized in existing facilities where architectural barriers exist, in order to honor the dignity of individuals willing to serve as jurors, existing courthouse facilities should immediately retrofit at least one jury box and one deliberation room to be fully accessible to individuals with disabilities, including persons who use mobility devices such as wheelchairs and scooters. Furthermore, the courts should develop and implement a plan whereby all jury boxes and jury deliberation rooms will be fully accessible within a reasonable amount of time.

10. It is recommended that the Florida courts provide facility maps on both wall directories and brochures.

Most citizens are infrequent visitors at the courthouse. The availability of facility maps on both wall directories and brochures will assist jurors in easily locating court services and programs. The availability of maps will not only eliminate confusion on the part of jurors and other visitors, but also reduce court staff resources necessary to direct jurors and visitors to the appropriate locations.

Maps on the wall directory should be of sufficient size and font to be readable from six feet away and displayed at or near all courthouse entrances. Brochures should be available in large print and other accessible formats.

11. It is recommended that jury managers, clerks, or ADA coordinators maintain records on the number and type of juror requests for ADA accommodations as well as the dispositions of those requests.

Collecting and maintaining information on juror requests for auxiliary aids and services will assist court managers make decisions on budget and facility planning. This information will also facilitate future studies and evaluations on the accessibility of jury service. It is recommended that courts maintain this information for a period of at least three years after the summons date. It is important to remember that such records must be maintained in a way that ensures the confidentiality of individuals requesting an accommodation.

12. It is recommended that jury managers, clerks, or other appropriate court staff maintain complete and accurate records on the number and

type of requests for excusal and exemption from jury duty, which are based on age or disability.

Collecting and maintaining this information should prove beneficial to judges and jury managers. This information will also facilitate future studies on the jury summons and excusal processes. It is recommended that courts maintain this information for a period of at least three years after the summons date. Again, it is important to remember that such records must be maintained in a way that ensures the confidentiality of individuals requesting an excusal based on disability, as required by the ADA.

- 13. It is recommended that jury summons forms request detailed information on requests for excusals, along with the prospective juror's current phone number so that the prospective juror can be reached easily for further clarification, if needed.**

Information on requests for excusals, including requests that are based on disability or age, will assist the judge in making better-informed decisions. Additional information on the nature of self-identified functional limitations will also assist the jury manager and ADA coordinator in determining what types of auxiliary aids or services may benefit a prospective juror.

- 14. It is recommended that the courts explore ways to improve juror yield.**

Many states experience low or less than ideal juror yields. Florida courts should explore ways to improve juror yields, including ensuring that (a) the summons is clear, (b) the statutory justifications for excusal are explained clearly, and (c) the penalties for failure to report for jury duty are very clearly delineated.

- 15. It is recommended that the courts enforce jury summonses and hold citizens accountable for jury duty.**

The right to a jury by one's peers is a fundamental value of the American justice system. Inherent in that concept is a jury pool that reflects the diversity of the community. Therefore, the jury pool should be as broad and inclusive as possible. Allowing a significant proportion of the population to "opt out" of the jury pool may negatively impact on the fairness of the Florida justice system.

The Southeast Florida Center on Aging and Supreme Court Commission on Fairness endorse the American Judicature Society's recommendation that courts enforce jury summonses. As stated earlier in this report, jury service is a privilege and responsibility of citizenship. No prospective juror should be absolved from this responsibility, absent a legally justifiable reason.

Florida courts should make every effort to follow up with individuals who do not respond to their jury summonses and offer them a second opportunity to either request excusal or report for jury duty. The Florida Legislature should review the adequacy of penalties for individuals who fail to report for jury service if they have not been excused by the judge.

The courts will benefit from holding citizens accountable for jury duty since jury service provides citizens with an opportunity to learn more about the actual operation of the courts, rather than the unrealistic portrayals in television dramas and some media accounts of high profile cases.

16. It is recommended that the courts respond in a timely manner to every request for excusal or exemption.

A timely response by the courts to requests for excusal or exemption from jury service will eliminate confusion and increase the public's trust and confidence in the justice system.

17. It is recommended that the courts and the Department of Highway Safety and Motor Vehicles ensure that the database that serves as the primary jury source list is as accurate and up-to-date as possible.

The American Judicature Society study found that a very large proportion of juror “no-shows” had never received a summons, primarily because the address recorded for the prospective juror was not current. Pursuant to section 322.19(2), Florida Statutes, whenever a person "changes the residence or mailing address . . . the person must, within 10 calendar days, either obtain a replacement license that reflects the change or request in writing a change-of-address sticker." A violation of this statutory requirement carries a penalty.

The State of Florida has a very mobile population. Regrettably, many citizens seem unaware of the requirement to notify the Department of Highway Safety and Motor Vehicles (DHSMV) when their address changes. DHSMV should increase its efforts to educate the public about this requirement, perhaps through the production of public service announcements.

Furthermore, a fee is imposed for recording the address change and the process is viewed as inconvenient. DHSMV and the Florida Legislature should explore ways to accomplish the address change that are more convenient and less costly. It is noted that while the Florida Statutes also require citizens to notify the state of an address change in regard to a vehicle registration, no fee is imposed for that transaction.

- 18. It is recommended that the Florida Legislature consider whether the threshold age for exemption from jury service should be increased or eliminated altogether.**

More than 18% of Florida's population is 65 and older, and this population is expected to increase by one-third in the next 15 years. The Florida justice system should maximize this valuable reservoir of citizens who have a wealth of life experience. The Florida Legislature should seriously re-evaluate the threshold age of 70 for exemption from jury service.

The legislature should consider whether the age should be raised to 85 or, better still, eliminated altogether. The Florida justice system may be better served by relying on judges, who should be provided with special training (see Recommendation 2), to review and evaluate on a case-by-case basis requests for excusals based on age or disability.

- 19. It is recommended that the courts increase their efforts to educate the public about the jury process, as well as other court procedures and operations.**

The Florida courts should make every reasonable effort to demystify the jury process and other court procedures so that elders, persons with disabilities, and other citizens of the state feel that the courts are “for the people and by the people.” Participants in the focus group sessions expressed a feeling of alienation from the justice system. One way for the courts to begin bridging that disconnect is through public education about the importance of the jury process and other fundamental principles of the Florida justice system.

The courts should utilize a variety of media—including public service announcements, videos that might be broadcast during jury assembly, pamphlets, etc.—to educate the public about fundamental legal principles, improvements and changes in the jury system, court initiatives and programs, and other justice system topics.

Recommendations for Future Research

The results of the survey of Florida courts indicate that people with disabilities are not a population that frequently visits the court in any capacity. As stated earlier, some courts indicated they have little or no experience in providing accommodations for individuals with disabilities. The reason for this lack of experience remains unclear. Is it that persons with disabilities feel that the courts are not able to address their needs and therefore choose not to venture to the

courthouse? If this is the case, are the courts not letting it be known that they are willing and able to accommodate a range of disabilities? The fact that over two-thirds of court survey respondents indicated the judge either seldom or never mentions the availability of accommodations when the judge qualifies the jurors suggests that courts may not be effectively communicating this information to prospective jurors.

This leads to yet another question raised by the results of this study. Are the courts truly ready to accommodate a wide range of disabilities? It is evident that most courts are prepared to accommodate individuals with mobility limitations, but are the courts prepared to meet the needs of persons with visual or hearing impairments, for example? Persons with these disabilities may require more complex accommodations, such as qualified sign language interpreters or real-time transcription services. Most courts indicated they knew how to arrange these accommodations, but had little or no experience in actually obtaining them. As noted previously, there really is no compelling evidence that the courts are prepared to readily and comfortably accommodate an elder or disabled population with varying needs. Future research should explore these issues.

20. ***It is recommended that the Florida State Courts System: a) closely monitor progress of the courts in reaching full accessibility statewide, utilizing clear goals and objectives and fixed time lines for compliance; b) launch a thorough and on-going effort to inform elders and persons with disabilities of that accessibility; and c) establish a mechanism for systematically monitoring the effectiveness of this educational effort.***

FULL REPORT

INTRODUCTION

The right to trial by a jury of one's peers is a primary and unique characteristic of the American judicial system (Shuman, Hamilton, & Daley, 1994). Jury service is a privilege and responsibility of citizenship. It provides an opportunity for citizens with a variety of life experiences and backgrounds to participate in this important process. Older citizens and citizens with disabilities should be able, along with other citizens, to exercise this fundamental right and responsibility.

Title II of the Americans with Disabilities Act of 1990 (ADA) prohibits state and local governmental entities from discriminating against individuals on the basis of disability. Title II covers state court programs and services, including jury service. It requires courts to provide access to jury service by making reasonable changes in policies, practices, and procedures; ensuring effective communication (e.g., sign language interpreters for individuals who are deaf or hard of hearing); and removing architectural barriers in courthouse facilities (Bleyer, McCarty, & Wood, 1995).

In response to the mandate of Title II, a number of statewide and national studies have been conducted to investigate the court-related needs of elders and people with disabilities. In 1994, the American Bar Association (ABA) Commission on Mental and Physical Disability Law and the Commission on Legal Problems of the Elderly conducted a nationwide study that addressed access to jury service for people with disabilities. This study resulted in publication of an accommodation guide for state courts on ensuring the accessibility of jury service to individuals with disabilities (Bleyer, McCarty, & Wood, 1994).

According to legal experts, barriers still exist in many states which prevent older citizens and citizens with disabilities from participating fully in jury service (Bleyer, McCarty, & Wood, 1995). For example, courtrooms may not be able to accommodate jurors who use wheelchairs, walkers, or other physical aids so that they, like other citizens, can take part in the democratic process of jury service (Coalition of Wisconsin Aging Groups' Elder Law Center, 1994). Thus, the primary goals of this project were to (1) determine in Florida the accessibility of jury service older citizens and citizens with disabilities, and (2) recommend steps Florida courts can take to enhance the accessibility of jury service. In conducting this project, we also indirectly ascertained accessibility for other courthouse customers, including litigants, witnesses, and court personnel.

There are several important reasons for conducting this study in Florida.

Florida is the fourth largest state in the nation, with more than 14 million residents currently, and more than 18 million residents projected by 2010 (Agency for Health Care Administration, 1997). The state presently has the largest proportion of older adults in the United States. More than 18% (approximately 2.7 million) of Florida's population is 65 and older, and this population is expected to increase by one-third in the next 15 years (Dunlop, Lazarus, Polivka, Rothman, & Williams, 1996).

Age increases the possibility that one may have a disability. In fact, older adults (age 65 and over) comprise a disproportionate number of persons with disabilities. Of the 2.7 million older adults in Florida, more than 415,062 are disabled (defined as the inability to go outside the home alone [mobility limitation] or as the inability to take care of personal needs [self-care limitation]) (U.S. Census Bureau, 1990b).⁶

However, older adults comprise only a portion of persons with disabilities. In Florida, more than 872,787 adults between the ages of 16 to 64 also have a disability (i.e. have a work disability, mobility limitation, or self-care limitation) (U.S. Census Bureau 1990a).¹ Given that the state's overall adult population is expected to increase over the next 15 years, it is expected that the adult disabled population will increase, too (Dunlop, Lazarus, Polivka, Rothman & Williams, 1996).

The right to a jury by one's peers is a fundamental value of the American justice system. Inherent in that concept is a jury pool that reflects the diversity of the community; thus the jury pool should be as broad and inclusive as possible. In recognition of this principle, the Florida Legislature expanded the jury pool source list as of January 1, 1998. In place of voter registration lists, Florida's jury pool source list now relies primarily on the registry of persons with drivers' licenses and state-issued identification cards. Additionally, section 40.011, Florida Statutes, authorizes the clerk of court to "add to the list the name of any person who is 18 years of age or older and who is a citizen of the United States and a legal resident of Florida and who indicates a desire to serve as a juror . . . by requiring such person to execute an affidavit at the office of the clerk."

These new source lists expand the pool of potential jurors. Therefore, it seems likely that more older persons and persons with disabilities will be summoned for jury service and that the Florida courts will increasingly experience a greater number of accessibility issues surrounding jury service.

The Florida disabled population estimates are based on the 1990 U.S. Census of the population, which provides data about general disabilities, not specific disabilities such as vision and hearing impairments. Therefore, these estimates may not include all persons with disabilities.

The first step of this study was to determine what the Florida state courts have done, are doing now, or plan to do in terms of programs, services, and facilities for accommodating potential and impaneled older jurors and jurors with disabilities. Additionally, the study sought to identify obstacles Florida courts may have encountered in attempting to modify court policies, practices, and procedures, as well as the courthouse facilities, to increase access for older persons and persons with disabilities. The second step of this study was to survey older persons and persons with disabilities to identify their perceptions about the accessibility of jury service in Florida courts and to assess their attitudes toward courts in general.

Survey data were collected and analyzed over a four-month period. The survey included three parts:

- The first part was a survey of a sample of Florida courts to obtain a self-assessment of the accessibility of jury service for older adults and persons with disabilities. This survey dealt with the courts' knowledge of the requirements of the Americans with Disabilities Act of 1990 (ADA), the courts' ability to accommodate requests under the ADA, and the courts' awareness of other court-related needs of older persons and persons with disabilities.
- The second part consisted of a survey of older persons and persons with disabilities who were summoned and reported to jury duty, to gather information about their experiences with the court.
- The final part encompassed a telephone survey of prospective older jurors who did not report for jury duty, to gather information about why they did not report and their experiences with the court.

These surveys were followed by the convening of seven focus group sessions of individuals with disabilities in Duval, Alachua, Dade, and Broward counties. Special care was taken to ensure that racial and ethnic minorities were well represented in the focus group study. The purpose of the focus group sessions was to elicit descriptions of court experiences, perceptions about the court system, and recommendations of persons with disabilities for increasing their jury service within Florida courts.

The next section of this report describes these sources of data in more detail.

METHODS

Overview

The data sources for the analysis reported here consisted of three surveys and seven focus group sessions of elders and individuals with disabilities. The first survey included a sample of Florida state courts and dealt with the courts' knowledge of issues related to the Americans with Disabilities Act of 1990 (ADA) and the courts' ability to accommodate requests under the act. The second survey consisted of a sample of jurors who reported to jury duty, to elicit their experiences with the court. This served as a complement to the survey of the courts. The final survey consisted of a telephone sample of summoned jurors who did not report for jury duty. Because the methodology for each survey was slightly different, each section will be reported individually.

Following the surveys, which captured very few individuals who either identified themselves or were identified by jury managers as persons with disabilities, a series of seven focus group sessions in three geographical regions of Florida (north, central and south) were conducted. The specific purpose of the focus group sessions was three-fold: (1) to obtain information from persons with disabilities about their attitudes and experiences with the courts; (2) to determine the extent to which courts are accommodating potential and impaneled jurors with disabilities; and (3) to inform the courts about steps they can take to attract individuals with disabilities to jury service.

Survey of Florida Courts

Participants

This was a purposive sample selected for geographical representativeness, population size, and demographic diversity including %age of elders, %age of persons with disabilities, and %age of racial/ethnic minorities within the counties. All twenty circuits within the state were represented. The sample counties included: Escambia, Okaloosa, Gadsden, Leon, Columbia, Suwanee, Duval, Nassau, Marion, Lake, Pinellas, Volusia, Putnam, Alachua, Levy, Osceola, Polk, Highlands, Dade, Sarasota, Manatee, Hillsborough, Jackson, Bay, Palm Beach, Monroe, Broward, Brevard, Seminole, Okeechobee, St. Lucie, Charlotte, and Lee. See Appendix A for map of counties included in the survey of Florida courts. Only one sample county failed to respond to the survey.

A total of 67 court staff in 32 counties throughout Florida participated in completing the survey of their court. Court administrative staff were the most likely

to aid in the completion of the survey (49.3%). Court administrative staff included trial court administrators, assistant administrators, deputy administrators, court operations directors, program directors, and the like. The rest of the respondents were jury coordinators or managers (20.8%), clerks of court (11.9%), judges (7.5%), and ADA coordinators (6.0%). Other respondents included directors of facilities management and a chief deputy (4.5%). The average experience each of the respondents held in their current positions was 6.8 years (SD= 5.2, range = 0.4 - 24 years). The average tenure of court administrators was 7.7 years (SD= 5.2, range = 2 - 24 years).

Instruments and Procedure

A survey was developed that encompassed various issues concerning knowledge of and sensitivity to disability issues, accommodations that are currently in place in the court (e.g., wheelchair accessible bathrooms and volume control on the public telephones), and ability to accommodate other ADA requests. The survey asked questions concerning each of the processes involved in jury duty, i.e., the summons, transportation to the courthouse, access to the courthouse, the jury assembly room, the courtroom, and the jury deliberation room. (See Appendix G1 for a copy of the survey instrument.) The survey, which contained 96 items, was mailed with specific instructions for completion. The courts were given approximately one month to complete the survey and mail it back in a stamped envelope addressed to the Southeast Florida Center on Aging.

Challenges of Data-Collection and Limitations of the Data

This part of the trifold survey strategy posed fewer challenges than the others due to the simpler method used to obtain the information in this area. A cover letter from Chief Justice Harding was sent to the courts in the 33 counties selected for our sample. The letter encouraged the courts to participate and noted that the survey would be sent separately, which occurred. This did create a bit of confusion on the part of the courts, however, because many of the people who would potentially be involved in ADA issues within the courts were sent letters, yet only the chief judge of the circuit received the survey. (Only one survey was sent to each county in order to limit any variation that might occur if multiple copies were completed, and to encourage court staff to work together to obtain answers to the questions.) A number of courts called the Center when they initially received the letter from Chief Justice Harding and any confusion they might have had was cleared up at that point. Other courts contacted the Center with their concerns when the Office of the State Courts Administrator sent out a fax reminding them of the upcoming due date on the survey. Over three-quarters (75.8%) of the completed surveys were received within ten days of the due date. The other

surveys were returned 2 - 4 weeks after the due date. One survey was never returned.

Another caveat bearing mention is that for nearly all of the questions, there was missing information because a small number of courts did not respond to that particular question. Consequently, many of the percentages do not total 100.

Survey of Potential and Impaneled Jurors 65 and Older or Disabled Who Reported to Jury Duty

Participants

This was a purposive sample of individuals reporting as prospective jurors, drawn from a sample of 12 counties that were included in the 32 counties responding to the court survey. The two surveys were designed to complement each other. Again, geographic dispersion, population size, and demographic diversity based on percentage of elders within the county, percentage of persons with disabilities, and percentage of racial/ethnic minorities was sought. The counties included in the sample were: Escambia, Gadsden, Alachua, Duval, Volusia, Lake, Hillsborough, Polk, Sarasota, Lee, Palm Beach, and Dade. However, no completed surveys were received from individuals in one of the smaller counties. (See Appendix B for a map of the counties included in the survey of potential and impaneled jurors who are 65 and older or disabled.)

The proportion of the sample from each county roughly reflects the relative size of that county. The total number of respondents was 76. The mean age of the sample who reported to jury duty was 66.5 (See Appendix D). By gender, respondents are divided almost equally: 51.3% female and 48.7% male. Four-fifths (80.3%) of respondents were white, 7.9% were non-Hispanic black, and 6.6% were white Hispanics. The remaining 3.9% indicated that they were of another race. Respondents were quite well-educated. Only 6 out of 76 had not obtained at least a high school diploma, while 18, nearly one-quarter (23.6%), had at least some graduate school experience. Only one person was not a registered voter. A large minority (42.1%) had served in the military. (See Appendix D for a table of these results in comparison to telephone respondents.)

As for previous court and/or jury experience, close to one-fifth (18.4%) of the respondents had experience in court as a witness. The same proportion of respondents had been either a plaintiff or defendant in a civil proceeding. Out of 71 individuals who responded to this item, only 2 indicated they had never been summoned for jury duty; and 48 had been summoned multiple times (10 individuals had been summoned more than 5 times each). Among 74 respondents, 70 said they had reported previously for jury duty; and 45 had reported multiple times (38

of those within the last 5 years). Among 71 respondents, 22 (30.9%) indicated they had served as a juror in the past. (See Appendix D for a table of these results in comparison to telephone respondents.)

Instruments and Procedure

A survey instrument was developed to complement the survey of Florida courts and to capture the experiences of potential and/or impaneled jurors. This survey included items relevant to each major stage in the process of jury duty. It ranged from questions concerning their summons to accommodations within the jury deliberation room. Not all prospective jurors, of course, actually serve as a juror. The survey was designed so that participants filled out questions that corresponded with how far they progressed through the process to jury duty. The survey included an informed consent sheet, instructions for completing and returning the survey, a demographic section, questions concerning their summons and reporting to jury duty, questions about the jury selection process, and questions about serving as a juror on a trial. The final items that participants completed (in whichever part of the process they were excused from) were attitude questions concerning the Florida court system. (See Appendix G2 for a copy of this survey instrument). All participants filled out the demographics section, the section assessing experience with the summons and reporting to jury duty, and the attitude questions about the Florida courts. Participants who made it to the selection process then filled out the section corresponding with that experience. The same was true for participants who were impaneled as jurors.

Due to the compressed period of time for the study, as well as unusual circumstances of one of the sample courts, the procedure for administering the survey varied slightly across some of the counties. In 5 of the 11 counties sampled, the researcher personally distributed the surveys. In another five counties, the surveys were mailed to the jury manager who distributed the surveys to potential and impaneled jurors. In one county, the surveys were distributed to potential and impaneled jurors by the researcher but the court determined that the surveys had to remain in a sealed envelope for the duration of jury service. Once participants were excused from jury duty, they were then free to break the seal, complete the survey, and return it to the researcher via mail. The instructions for participants were worded to reflect the methodology that was executed in each county.

In order to identify potential respondents, the researcher or jury manager made an announcement about the survey during the juror orientation. The announcement asked for volunteers who were 65 years of age and older or had a disability, to complete a simple survey concerning their experiences with jury duty. It was emphasized that their responses would be used to improve jury service for all citizens. Interested individuals were asked to raise their hands or contact the researcher or jury manager for a survey. In one county, the jury manager called aside those potential jurors that he knew to be 65 and older and made the announcement only to this group.

When potential and impaneled jurors were finished with the survey, they were asked to either return it to the researcher or jury manager or place it in a marked box at the main courthouse exits. The researcher collected completed surveys that corresponded with experiences in reporting to jury duty and the juror orientation while still on-site. Participants who went further in the process were instructed to return their completed portions of the survey to the jury manager. The jury manager was then asked to send the remaining portions of the surveys to the Southeast Florida Center on Aging in the self-addressed, stamped envelopes provided. When the researcher was not on-site and the jury managers distributed the surveys, the managers normally waited until they felt they had received all the completed surveys before sending them to the Center. In the county in which jurors were asked to refrain from filling out the surveys until their service was completed, the Center received all completed portions from each participant directly in a stamped, return envelope.

Challenges of Data-Collection and Limitations of the Data

One unexpected source of delay in data-collection was the amount of time it took for the courts to obtain the appropriate internal approvals for the on-site survey, even when they conducted the survey themselves. On a few occasions, the courts failed to respond at all.

The timing of the data-collection, which overlapped the Christmas holiday, also served to delay receipt of data from several of the courts. Many court personnel on whom researchers were dependent for information took vacation at that time. In one county, the administration of the survey instrument had to be revised because the court was concerned that administering the survey prior to the impanelment stage might in some way influence potential jurors.

The delayed response of the courts meant that site visits by the researchers could not be scheduled for 6 of the 12 sites within the time frame of the study. Instead, a shift in strategy was required which required the courts to distribute and collect the survey forms. Unfortunately, not all of the courts returned the survey forms to the Center in a timely manner. One court did not return any forms. Thus, it is possible that this variation in administration of the survey, as well as the absence of any data from one site, introduced some small but unmeasured bias in the findings.

Telephone Survey of Persons Who Did Not Report to Jury Duty

Participants

Names, addresses and, when available, phone numbers of individuals who did not report to jury duty were obtained in the counties included in the on-site survey. In most counties visited, this information was obtained from the jury manager while on-site. If telephone numbers were not available from the court, the numbers were obtained from directories on the Internet. The criteria for the names included on the lists varied from court to court. Half of the lists (n=5) included date of birth information, from which all individuals age 65 and older who were summoned and did not report were obtained. The other five lists contained names of individuals who were excused from jury duty because they were at least 70 years of age. Variations across the counties as to information available from which to select the sample reflects, in large part, differences in information requested on the summonses distributed by each county. Courts in 2 of the 12 counties did not respond. The counties included in the final sample were Escambia, Duval, Volusia, Lake, Hillsborough, Polk, Sarasota, Lee, Palm Beach, and Dade. (See Appendix C for map of counties included in the telephone survey of individuals who did not report to jury duty.) The proportion of the total sample from each county reflected the relative size of the elder population (i.e., 65 and older) in that county. To ensure a final respondent sample of adequate size, the number of names obtained from each county was at least three times the number needed for the final sample.

The total number of participants in this sample was 117. The mean age of the sample was 74.3 (SD=4.7, range=65-83) (see Appendix D). Due to the method used to obtain the names of individuals who did not report to jury duty, 83.8% of the sample of telephone respondents was age 70 and older. By gender, the sample was almost equally divided: 52.1% female and 47.9% male. The vast majority of the sample was non-Hispanic white (84.6%). Of the remaining respondents, 5.1% were non-Hispanic black, 4.3% were Hispanic white, and 4.3% described themselves as another race than the categories previously mentioned. Blacks clearly were under-represented, relative to their proportions in the state and elder populations. Only 17.9% of the sample had less than a high school education. Over half (53.8%) had either received a high school diploma or had some college education. Over one-fourth had at least a college degree. Very few of the respondents had failed to register to vote (9.4%). A large minority had served in the military (44.4%). (See Appendix D for these results in comparison to those of on-site respondents.)

When asked about their experience with the courts in Florida, 30.8% of respondents reported that they had been witnesses in a trial, and 17.1% had been a plaintiff or defendant in a civil case. More than half (53.8%) of the respondents reported that they had been summoned for jury duty on multiple occasions within the last five years. However, nearly two-thirds (63.7%) of the respondents to the telephone survey had not previously reported to jury duty, while 34% had reported to jury duty on one or two occasions previously. One person had reported for jury

duty three times and another five times. Of the 42 respondents who had reported to jury duty, a little less than half (18 respondents) had reported within the last year and, including these, all but three had reported within the last five years. Eighteen individuals also ended up serving on a jury in Florida. These experienced jurors comprised 15.3% of all telephone respondents. Among those who had been jurors, all but two had served as jurors within the last five years. (See Appendix D for a table of these results in comparison to on-site respondents.)

Instruments and Procedure

The survey instrument for participants who reported to jury duty was modified for the telephone survey. Slight modifications were made to the format and wording of the response categories in order to avoid any confusion that might arise in responding to questions originally designed to be self-administered. (See Appendix G3 for a copy of this survey instrument.)

The telephone survey was conducted by the Institute for Public Opinion Research of Florida International University. Surveyors called individuals who appeared on the lists provided by the courts and introduced themselves and the project. They then asked the person if he or she would be interested in participating. If consent was given, the surveyors proceeded with the questions. As with the on-site survey, jurors were asked questions that corresponded with their experiences as potential and/or impaneled jurors. All respondents answered demographics questions, questions assessing their experience with the summons and reporting to jury duty, and attitude questions about the Florida courts. Respondents who previously had gone as far as the selection process then answered questions corresponding with that experience and the same for respondents who eventually were impaneled as jurors. Upon completion of the survey, participants were thanked for their time.

Challenges of Data-Collection and Limitations of the Data

The impediments to conducting the telephone survey revolved mainly around obtaining the summons lists from the courts. Original plans were to obtain the summons lists on the day of the site visit so that on-site participants and telephone participants would have been scheduled for jury duty on the same day. However, it was difficult to obtain these lists at some sites because the courts did not have adequate staff resources to accommodate such a request. In addition, several courts were unable to provide the ages of persons on the summons list due to lack of available data. In three situations, it was necessary to rely on a list of the court's most recently returned summons forms on which individuals had requested an exemption from jury duty because they were 70 years of age or older. Another hurdle was the amount of time it took the courts to submit their summons lists in

those cases in which the research team did not go on-site. One county was reluctant to supply the summons list at all, citing the federal driver's license privacy act. They finally agreed to release the list for research purposes after consulting with the Office of the State Courts Administrator.

Finally, the data available from the courts allowed only the identification of a sample of older persons, not necessarily older persons with significant disabilities. The lists obtained from the courts were based on either date of birth information or excuse marked (i.e. over 70 years of age). There was no way to identify people who asked to be excused from jury duty due to disability because this information does not appear as a response item on summons forms and courts do not keep records on reasons for excusal. Further, the Americans with Disabilities Act contains provisions that require the courts to maintain confidentiality in regard to requests for accommodations.

The incomplete information available from the jury summons lists produced a sample with relatively few persons with disabilities, . This is the case despite the fact that the sample included a disproportionately large number of persons 70 years of age or older relative to younger persons, even those in the 65-69 years of age range. Consequently, it was not possible to thoroughly examine with this sample the situation of persons having significant disabilities. Moreover, it is clear that the telephone sample is unrepresentative of the total elder population in terms of age distribution. The precise kind of bias this introduces in the results cannot be determined. One might have expected that an upwardly age-biased sample would have produced more persons with disabilities than it did.

The shortcomings introduced by these factors suggested a need for additional research approaches that capture a more complete picture of the views of individuals with disabilities as well as one which includes a specific strategy for determining ages of persons in the jury pools. The latter course would be important for ensuring that the ages of individuals included in the sample are more representative of the age distribution of elders in the population. It appears that the only currently available option for capturing age information is the database (drivers' licenses and state-issued identification cards) maintained by the Department of Highway Safety and Motor Vehicles.

Focus Groups of Persons With Disabilities

Participants

To elicit the views of individuals with significant disabilities, the Office of the State Courts Administrator contracted with the researchers to convene a series of focus group sessions comprised of elders and young adults (ages 18 - 64) who have physical disabilities and for whom mobility or communication accommodations might be needed in order for them to serve comfortably on a jury. The focus group

sessions included in this phase of the study represented a purposive sample of individuals with largely physical disabilities who are active members or participants in organizations that serve or advocate for people with disabilities. Jacksonville, Gainesville, Tamarac, and Miami—the sites for the focus group sessions—were chosen to represent the northern, central and southern regions of the state. In total, seven focus group sessions were assembled.⁷ At least one group of elders likely to have disabilities and one group of non-elder adults with disabilities were identified in each of the three regions. A third group, comprised of Hispanic elders who participated in the Little Havana Activities and Nutrition Centers in Miami, was tapped in the south region in order to capture the views of a Spanish-speaking population. Specifically, focus group sessions were conducted during the period of March 18 through April 12, 1999, at:

- the Broward Center for Independent Living (Tamarac),
- Post Polio Association of South Florida (Miami),
- Little Havana Activities and Nutrition Centers (Miami),
- Center for Independent Living of North Central Florida (Gainesville),
- Mid-Florida Area Agency on Aging (Gainesville),
- Community and Senior Services (Jacksonville), and
- Mayor’s Council on Disabilities (Jacksonville).

A total of 86 individuals participated in the focus group sessions. Each participant received an honorarium of \$25. The average size of the focus groups was 12 people (range = 6 - 17). The average age of participants was 61.76 years old (range = 29 - 96) (see Appendix D). Approximately half (52.3%) of the participants were non-Hispanic white, 20.9% were Hispanic white, 15.1% were non-Hispanic black, 5.8% were Hispanic black, and 4.7% identified themselves as some other race or ethnicity. The gender of focus group members was evenly split. Most participants were at least high school graduates (75.58% had at least a high school diploma). Nearly one-fifth (18.6%) had completed some college. Approximately the same number had received a college degree (19.8%) and 15.1% had either done some post-graduate work or had received a post-graduate degree. About one-fifth of participants had not obtained a high school diploma.

A vast majority of the focus group participants were registered voters (87.2%). A small minority had served in the armed forces (15.1%). Approximately

⁷ An eighth focus group of persons with disabilities, consisting of members of the Seminole Tribe was planned, but logistical arrangements for the focus group session could not be completed within the study time frame.

two-fifths (39.5%) of the participants had been witnesses or had testified in a court of law. Nearly three-quarters of the participants had not been a plaintiff or a defendant in a civil case. However, of the 24.4% who had, 11.6% had been plaintiffs, 7.0% had been defendants, and 5.8% had been both at one time or another.

With regard to experience with jury duty: 5.8% of focus group participants had reported to jury duty in the last year; 8.1%, 1-3 years ago; 5.8%, 3-5 years ago; 14.0%, 5-10 years ago; and 10.5% had reported to jury duty more than five years ago. More than half (54.7%) had never reported to jury duty. The number who had served on a jury among the focus group participants was markedly smaller than among the sample who reported for jury duty. Only one person had served on a jury within the last year; one other person had served 1-3 years ago; two people, 3-5 years ago; 8 people, 5-10 years ago; and 8 people had served more than 10 years ago. The mean number of times the participants had been summoned for jury duty was about 1.49 (range = 0 - 14). The mean number of times participants had reported for jury duty was approximately 1 (range = 0 - 14). The mean number of times participants had served on a jury was 0.49 (range = 0 - 4).

Instruments and Procedures

The focus group sessions were pre-arranged to coincide with other activities within the organizations through which the participants were identified, to minimize transportation difficulties and maximize participation. The sessions began with an introduction by a moderator from the Center. The introduction consisted of a description of the project and the objective of the sessions. Participants were then asked to complete a brief demographic questionnaire and an attitudinal questionnaire, along with an informed consent form. Once all of the participants had completed these three forms, the moderator, following a two-page guide, began with the open-ended questions. (See Appendix H for a copy of the question guide.)

Again, the principal objectives were to: (1) obtain detailed information from persons with disabilities about their attitudes and experiences with the courts, (2) determine the extent to which courts are accommodating potential and impaneled jurors with disabilities, and (3) elicit suggestions on ways the courts can attract individuals with disabilities to jury service. Focus groups ran 1-1½ hours in length. With the permission of the focus groups members, all sessions were audio-taped.

Challenges of Data-Collection and Limitations of the Data

As indicated earlier, the research team sought to identify individuals with physical disabilities who were at least relatively active in the community and thus could reasonably be expected to serve on a jury if asked. Consequently, the

sample of seven focus group sessions does not represent all adults with disabilities. Within the population of active persons with disabilities, moreover, focus group members represent those who belong to associations such as those that hosted the seven sessions for this study. Also, participation was purely voluntary, so that it reflects the viewpoint of individuals willing to express them in such a group setting. Furthermore, due to time and resource constraints, only seven out of possibly dozens of similar organizations statewide were tapped for focus group participants. Finally, of course, not all corners of the state were represented by the division of the state into three large geographic areas. All of these factors must be recognized as potential sources of bias which cannot be measured. However, focus groups by their very nature cannot function as scientifically drawn samples; thus, results from such data sources always entail limited generalizability.

FINDINGS

Survey of Florida Courts⁸

The Courts' Preparedness With ADA Issues and Accommodations

ADA Coordinator Responsibilities

Overall, it appears that courts throughout Florida have taken at least some important initial steps to address ADA issues and accommodations. Ninety% (90.6%) of the sample have an ADA coordinator position; although it is likely to be part-time (62.1%). These courts noted that the responsibilities of this position include: (1) coordinating efforts to comply with and carry out the courts' responsibilities under the ADA (96.6%); (2) acting as an advisor to employees with questions regarding compliance with the act (79.3%); (3) maintaining information on resources in the community that can be used to accommodate persons with disabilities (72.4%); (4) investigating complaints alleging non-compliance with the act (75.9%); and (5) distributing information regarding compliance with the act (72.4%). The four respondents who indicated that they did not have an ADA coordinator position reported that the responsibilities of this position were allocated among several employees.

ADA Ombudsman

Most of the responding courts (62.5%) do not have an ADA ombudsman. Of the 28.1% that do, only one county had a full-time ADA ombudsman. The remaining counties did not indicate whether they do or do not have an ADA ombudsman. Of those that have an ADA ombudsman, a majority note that the responsibilities of the position are similar to the first three responsibilities mentioned for ADA coordinators above. Three-quarters of this sub-sample indicated that the ADA ombudsman also investigates complaints alleging non-compliance with the Act and distributes information regarding compliance with the Act. One court noted that the sole responsibility of its ADA ombudsman is "to approve resources" (no further explanation was offered).

Of the 20 counties that do not have an ADA Ombudsman, 10 noted that the reason is lack of financial resources; and 8 noted that the responsibilities of the ADA ombudsman are allocated among various employees.

⁸Results of each survey question are shown in Appendix G (Survey of Florida Courts).

Training

As for other ways in which the courts are prepared and trained on disability issues and accommodations, judges in 59.4% of the counties sampled have received training on the ADA, disability awareness, and juror access. Appropriate court administration staff have received training in 71.9% of the counties and 31.3% of the counties noted that their clerk's office staff have received this training.

Reference Sources

Nearly two-fifths of the sample counties have a local judges' benchbook. Of those that do, half note that it includes information on the ADA and/or juror access for elders and persons with disabilities. In addition, 8 of the counties have a copy of or are familiar with the ABA publication [Into the Jury Box: A Disability Accommodation Guide for State Courts](#).

The Summons

Policies and Procedure

All sample counties report having policies and procedures for identifying cases requiring reasonable accommodations under the ADA and say these procedures are in place at the outset of the judicial process. All but one county provided the researchers with a list of their policies and procedures. One common practice amongst all the sample counties is to provide directions on the summons for obtaining accommodations. The most common direction is that individuals needing accommodations should call prior to the date of their service. Three-quarters of the counties believed these policies were effective in identifying cases requiring reasonable accommodations under the ADA at the outset of the judicial process and 25% believed that these policies were somewhat effective.

The Summons Form

More than two-thirds (68.8%) of the courts included in the sample submitted a copy of their summons. All the submitted summons forms included a notice regarding the availability of accommodations for disabilities. About three-fifths (59.4%) of the responding counties indicated that the phrase which most resembles the wording in that portion of their summons describing requests for accommodations or any physical limitations that potential jurors may have is, "What facilities will be required by you as a juror?" The other 34.4% indicated that the wording that most resembled this portion of the summons was, "If you have a disability that will prevent you from serving, please explain." The rest of the

responding counties did not indicate which wording most resembles their summons.

Obtaining Accommodations

Three-fourths (75%) of the courts sampled reported that they always or usually record and maintain a tickler file so that needed accommodations are ready on the jury service date. Among the 25% that do not maintain a tickler file, the normal procedure is to maintain a log or note the accommodation request on a calendar. The reason given was that the volume of requests does not necessitate a tickler file.

Some common examples of requests for accommodations are an American Sign Language interpreter for persons who are hearing-impaired and court staff assistance for persons who are visually impaired. A large majority of the responding counties (78.1%) indicated they have not experienced difficulties obtaining accommodations. However, two counties indicated they have difficulties obtaining qualified sign language interpreters and one reported difficulties obtaining assistive listening devices.

Recording of Requests for Accommodations

Slightly more than two-fifths (43.8%) of the sample courts maintain a record on the number of older persons and persons with disabilities summoned for jury duty who have requested accommodations. For those that maintain these records, the number of requests in an average year ranges from 0 to 17, with an approximate average of 6. The most frequent type of filing system used by the courts that maintain these types of records is a hand-filing system (10/14). Other systems used to log the number and type of requests are computer files (3/14) and a database (1/14). The courts maintain these data for an average of 4.63 years (range is 3-10 years). Of the courts not maintaining this kind of information, slightly more than a quarter (5/18) indicated that they did not have enough manpower to do so. Close to three-fourths (13/18) did not see any reason to maintain this type of information due to the limited number of requests for accommodations.

Contact With Senior or Disability Groups

Few of the responding courts (only 5 out of 32) indicated they were in contact with senior and/or disability groups as a means of obtaining ideas or assistance in making jury service more accessible. A list of the senior and disability groups that those five courts are in contact with is attached (see Appendix E).

Special Orientation for Jurors

One-fourth of the sampled courts (8) invite or encourage potential older jurors or jurors with disabilities to visit the court prior to the first day of service. The others encourage or invite potential older jurors or jurors with disabilities to arrive early to the courthouse on their first day of service. Of the 25% that encourage or invite potential older jurors or jurors with disabilities to visit the court prior to their first day of service, all but one felt that this practice was either extremely helpful or somewhat helpful.

Getting to the Courthouse

Paratransit Services

A majority of the sampled courts (56.3%) have an accessible paratransit service available in their county. The other 43.8% indicated either that they did not know if an accessible paratransit service was available or that there was definitely not one available. About three-fifths (59.4%) of court personnel know how to make referrals to their local paratransit service. The person most likely to make these referrals is the ADA coordinator (40.6%). The next most likely person is the jury clerk (15.6%). Referrals are made, on average, less than once a month.

Public Transportation

When asked whether other public transportation to the courthouse was available in their county, 81.3% of the sampled courts indicated there is such transportation. Half of the sample courts with public transportation available in their county believe it is extensive enough to transport jurors from all over the county. Just over half (14/26) of these same courts believe the public transportation has a flexible court departure and arrival schedule. Nearly three-fourths (19/26) of the responding courts indicated that the public transportation within their county accommodated the “rush hours” (e.g., 7:00-9:00 a.m. and 4:00-6:00 p.m.), while the remainder did not believe their public transportation accommodated the heavy flow of people during these hours. Taxicabs are available in all the sample counties with public transportation to the courthouse, and buses are available in 20 of the 26 counties who responded affirmatively to having public transportation. Of all the courts included in the sample, 69.2% have special transportation services and 11.5% have a metrorail.

Alternate Transportation

Alternate forms of transportation that some of the sampled courts indicated were available in their area include: private vehicle (15.6%), taxi cab (21.9%), private shuttle services (3.1%), and “other,” such as “Senior Services,” “Share-A-

Van Service,” and “Goodwheel” (15.6%). One court was in the process of implementing transportation services for potential or impaneled jurors who are 65 and older or disabled. As for using qualified volunteers to transport these particular populations to the courthouse, 87.5% of the responding courts have not seriously considered this option due to liability concerns.

Parking Spaces

A very large majority (87.5%) of the sampled courts believed there are enough accessible spaces near the courthouse entrance(s) to meet the demand. The total number of parking spaces ranged from 6 to 2,300 spaces. The average number of available parking spaces is 478. The average number of spaces reserved for persons with disabilities is 13. The courts, on average, reported receiving less than one request per month for accessible parking that exceeds existing capacity.

Access to the Courthouse

With respect to the issue of juror access to the courthouse, most of the sampled courts (59.4%) have 2 to 3 entrances. The number of entrances ranged from 1 to 10. All but two courts in the sample have at least one ground level entrance. More than two-thirds (68.7%) have either one or two ground level entrances. A full 90.6% of the courts reported having at least one ground level entrance with a ramp or a lift (range=0-6), with the majority (75.0%) having either one or two. A high proportion (87.5%) provide handrails on the ramps and stairwells of the courthouse. Of the courts indicating that the accessible entrance is an entrance other than the main entrance, 9 out of 12 said the accessible entrance is unlocked during business hours.

All but one courthouse in the sample have entrances wider than 32 inches. In 84.4% of the courthouses, the entrance doors are reported to be sufficiently easy to open for people with a wide range of strengths and mobility. Of the responding counties that did not believe their courthouse entrances were sufficiently easy to open, 3 out of the 4 said they have plans to modify the doors.

More than one-third (37.5%) of the responding courts have power-operated doors at their entrances. Of the counties that do not have power-operated doors, only 6.3% said that they have plans to install such doors. More than one-third (37.5%) noted that other accommodations, such as assistance by court personnel, are in place for allowing access to the courthouse for persons with mobility impairments.

The Courthouse Interior

Visitors to the courthouse have the benefit of an interior facility map showing accessible features in 15.6% of the counties surveyed. In all but one courthouse, public telephones, drinking fountains and restrooms have been modified for use by persons using wheelchairs. The one county that did not have these modifications noted it is building a new courthouse that will include these features.

Along with these modifications, 43.8% of the sampled courthouses noted that there is at least one telephone available that is hearing aid-compatible and there is at least one telecommunications device for the deaf (TDD). One-half of the counties noted that there is at least one telephone available which has a volume control feature. The most common way for the courts that lack accessible telecommunications equipment to respond to this request is by having court staff act as a relay between the person needing the accommodation and the person they want to contact.

In 81.3% of the courthouses included in the survey, there are signs displayed on the wall adjacent to the respective doors indicating rooms and/or offices. A slight majority (53.1%) has tactile signs as well as the regular text signs. In the counties that do not display tactile signs, the most common alternative provided for persons with visual impairments is offering them personal assistance.

Nearly all (93.8%) of the courthouses surveyed that are more than one story in height have at least one passenger elevator. Among these, 75.0% (23/30) have Braille on the buttons, 62.5% (19/30) have audible and/or visible signals indicating floors, and 53.1% (16/30) have court personnel to assist persons with disabilities when using the elevator.

The Juror Assembly Room

Juror Information Handout

Half of the sampled courts provide a juror handbook or juror information handouts to potential jurors in the assembly room. Of those that provide juror information, one court offers it in Braille and one court has it available on audiotape. Four courts make this information available at branch courthouses, two at libraries, and one at senior centers and meeting places of disability organizations. Four courts indicated that this information is also available at their community open house, the chamber of commerce, city hall, and community organizations. More than two-fifths (7/16) of the responding courts that have juror handbooks or information also make it available over the Internet. One-half (8/16) will provide it in the mail and 18.8% (3/16) broadcast it over the local public channel. One-quarter of the remaining courts that provide a handbook or information to jurors

have plans to make this information available at other locations and through different mediums such as libraries (one county), senior centers (one county), and the Internet (two counties).

Juror Orientation Videotape

Nearly three-quarters (71.9%) of the courts surveyed use a juror orientation videotape. Of those that do, 13.0% say that the videotape contains a statement about the availability of accommodations for persons with disabilities. Four of the 23 courts that use a juror orientation videotape reported their video is closed captioned, 7 out of 23 reported their video is descriptive for persons who are visually impaired, 5 of the courts provide a script of the video for persons who are deaf or hard of hearing, and nearly half (11) provide an assistive listening device to accompany the video. Only one court provides a handout to accompany the videotape, and it also makes the handout available on audiotape.

Calling Names of Prospective Jurors

Most of the sampled courts (81.3%) implement alternate methods to call prospective jurors who are deaf, hard of hearing, or visually impaired for voir dire. The method used by 92.3% of the courts that employ alternative methods is that court staff personally communicates with that person.

Among courts that do not presently use alternate means to call jurors' names or numbers, only one court has plans to implement such methods. The other responding courts report they have not encountered difficulties with the traditional method of calling jurors' names and numbers and do not see the need to alter their approach.

The Courtroom

Accessibility for Wheelchairs and other Mobility Devices

In 96.9% of the courts surveyed, there was at least one courtroom accessible to individuals with mobility impairments. In 59.4% of the courts, at least one of the jury boxes was wheelchair-accessible. The average number of courtrooms with wheelchair-accessible jury boxes is 6. Among the 40.6% of responding courts that do not have wheelchair-accessible jury boxes, the most common way they accommodate these jurors is to seat the juror right outside the jury box. Five of the courts that do not have wheelchair-accessible jury boxes have plans to retrofit jury boxes to make them accessible. The courts that do not have any plans to retrofit the jury boxes stated that there was minimal need for this accommodation or that they were building new courthouses.

Availability of Accommodations

As to the inclusion of a statement about the availability of accommodations for disabilities in the judge's opening statement, 12.5% of the responding courts reported the judges always included such a statement, 15.6% stated this usually occurred, 43.8% stated this seldom occurred, and 25.0% stated this never occurred.

A large majority of the courts in the survey report they are able to provide a variety of accommodations should a juror request them. A simple accommodation for the courts is seating a juror in line-site of the witness stand. A full 93.8% of the courts reported they would do this for a juror who made such a request.

With regard to more technical accommodations, 81.3% of the sampled counties provide an assistive-listening device or other system to amplify sound in the courtroom. Of the courts that provide this accommodation, 21 out of 26 have this device installed in more than one courtroom, and 18 report that it is a portable system. The vast majority (92.3%) of courts with this equipment available own it. Responding counties that do not have assistive-listening devices reported no plans to obtain this type of equipment. This equipment, they reported, is requested, on average, less than once a month.

Nearly three-fourths (71.9%) of the sampled counties indicated that assistive listening devices are available for use in the jury box. Of the eight courts that do not have this service available in the jury box, two indicated they have plans to make them available.

A slight majority (56.3%) of the counties in the survey reported that assistive listening devices are available in the jury deliberation room. Among those lacking these devices, a large majority (11/18) reported that there is a minimal need for this accommodation within their courts. Only one of those counties reported plans to make assistive listening devices available in the deliberation room.

Two-fifths (40.6%) of the responding courts stated that the judges in their court have developed pattern voir dire questions for the venire to help determine if disabilities will affect jury service. The usual question judges ask of jurors is if any of them have any physical limitations that would render the juror incapable of being fair and impartial or attentive to all the evidence or the law. Almost all (93.8%) of the respondents noted that the judges within their courts treated potential older jurors and jurors with disabilities with sensitivity.

Sign Language Interpreters

All of the sampled courts say they provide qualified sign language interpreters for jurors when appropriate and 90.6% of the courts report that they maintain a list of qualified sign language interpreters in the area. More than two-

thirds (68.8%) have a standing contract or other arrangement with a sign language service. On average, the courts use this service less than once a month.

More than four-fifths (84.4%) of the courts reported that their judges qualify sign language interpreters for the record and administer an oath before trial. In 46.9% of the responding courts, the judge explains the neutral role of the sign language interpreter, while 6.3% said it is explained by statute, and 9.4% said it is explained by oath. Those courts whose judges qualify the interpreters reported that the prospective juror meets with the sign language interpreter on the date of jury service. In half of the counties, the judge meets with the sign language interpreter before the trial, and in the other half, the judge meets with the interpreter at the start of the trial.

Real-time Transcription

In 56.3% of the courts sampled, qualified real-time transcription is available to jurors who are deaf or hard of hearing. Courts lacking this service noted that other accommodations, such as providing a sign language interpreter, have been sufficient. A majority (53.1%) of the courts maintains a list of specially trained and experienced real-time reporters in the area, and 43.8% have a contract or other standing arrangement with a qualified real-time reporter(s). Courts without such procedures for obtaining real-time transcription services obtain them by contacting the court administrator or have staff who are trained in real-time transcription.

Accommodations for Individuals With Visual Impairments

Written evidence can be made available in Braille in 12.5% of the courts, large print in 50.0%, audiotape in 50.0%, and through a reader in 50.0%. Slightly over one-third (34.4%) of the courts indicated they do not have the resources to make written evidence available in alternate formats. Nearly three-quarters (71.9%) of the courts noted that in an average year they have not had to make written evidence available in an alternate format.

Other Accommodations

All of the sampled courts indicated that their judges schedule breaks on an as-needed basis during the trial and permit stretch breaks during bench conferences. Moreover, 56.3% of the courts will allow a personal attendant to accompany and/or assist a juror with a disability during a trial, 50.0% will allow a friend, 53.1% will allow a family member, 78.1% will allow a service animal, and 43.8% will permit court staff to assist the juror. Four-fifths (81.3%) of the courts permit sign language interpreters and/or real-time transcriptionists in the deliberation room. Over two-thirds (68.8%) of the courts reported that who or what is allowed to accompany and/or assist a juror during the trial depends on the

individual presiding judge. The rest of the courts indicated that they have not had enough experience with these accommodations to conclusively address the issue.

Half of the courts in the survey indicated that jury instructions are generally given both orally and in writing. Of the 16 courts that provide instructions in writing, 2 can also provide the instructions in Braille, 9 in large print, 7 in audiotape, 6 through a reader, and 6 through real-time transcription, if necessary.

Obtaining Auxiliary Aids and Services

A majority of the sampled courts indicated that it has been moderately to extremely easy to obtain auxiliary aids and services for jurors (43.8% and 21.9%, respectively). Among those that found it difficult, the most often cited reason was lack of services available locally.

In terms of how auxiliary aids and services for jurors with disabilities have affected the trial length, 25.0% of the sampled courts reported these trials are the same length as other trials, while 21.9% observed that it has slightly slowed the process. One court stated that it has markedly slowed the trial process and 46.9% felt they did not have enough experience with auxiliary aids and services to assess the impact on trial length.

Most courts in the survey believed that auxiliary aids and services have been extremely to somewhat effective in aiding jurors who have used them (43.8% and 28.1%, respectively). The rest (21.9%) of the courts have never used these accommodations for jurors.

A considerable number of the courts sampled reported that obtaining sign language interpreters for the court has been moderately to extremely easy (40.6% and 12.5%, respectively), while 43.8% reported it has been extremely difficult to obtain these services. The most often cited reason for the difficulty was the lack of qualified interpreters available in the area. Close to one-fifth (18.8%) of the courts reported that trials in which sign language interpreters are used are the same length as other trials, while 31.3% of the courts reported it has slightly slowed the trial process. One court said it markedly slowed the process. The rest of the courts reported they did not have enough experience using sign language interpreters to assess the impact on trial length.

A majority of the courts believed that sign language interpreters have been extremely effective to somewhat effective for jurors who are deaf or hard of hearing (53.1% and 15.6%, respectively). The remaining courts felt they have not had enough experience with this accommodation to judge.

With regard to obtaining real-time transcription services for jurors, 18.8% of the sampled courts reported it is extremely easy, 21.9% indicated it is moderately easy, 9.4% said it is somewhat difficult, and 3.1% said it is extremely difficult. Those that found it difficult to secure real-time transcription services indicated the difficulty stemmed from lack of resources, although they did not clarify the kind of resources meant.

In evaluating how the use of real-time transcription has affected trial length, 25.0% of the sampled courts indicated that trials in which this accommodation was used were the same length as other trials. One court reported that the use of real-time markedly slowed the trial process, and the remainder reported they did not have enough experience using real-time to assess the impact on trial length.

Close to one-fifth (18.8%) of the courts in the survey found real-time transcription services to be extremely effective in aiding jurors who are deaf, 15.6% believed this service was somewhat effective, and 6.3% believed that it was moderately ineffective. The rest of the courts indicated they did not have enough experience to assess the effectiveness of this accommodation.

Accommodations for Lengthy Jury Deliberations

When asked about accommodations that are available and/or accessible to all jurors in the jury deliberations rooms should they need to stay longer than originally planned, 87.5% of the courts reported that they have accessible restrooms, 21.9% have hearing aid compatible telephones, 28.1% have telephones with volume control, and 15.6% have a telecommunication device for the deaf (TDD). Of the courts that do not have accessible telecommunications equipment, the most frequent procedure for accommodating jurors with hearing or speech disabilities is through the direct assistance of court staff.

In the event that the jury must be sequestered, 84.4% of the courts included in the survey reported they contract only with hotels and dining facilities that are accessible (according to ADA requirements), should there be a juror with a disability serving on the panel.

Perceived Effects of Accommodations on Trial Length

Overall, the courts perceive that accommodating older jurors or jurors with disabilities has not significantly affected trial length: 31.3% of the courts noted that trials including older jurors or jurors with disabilities were the same length as other trials and 21.9% noted that these trials were only slightly slower. Again, only one court reported that accommodating jurors with disabilities markedly slowed the process. The reasons most frequently cited for experiencing even slight delays in

trials were interpreter issues and explanations, more frequent breaks needed for jurors, and increased equipment set-up time. Some courts felt that they did not have enough experience with jurors with disabilities to assess how their participation affects trial length.

Survey of Persons Reporting For Jury Duty

Experience With the Jury Summons

Less than 10% of the respondents considered the summons they received to be unclear. No particular portion of the summons seemed to be a source of difficulty. Criticisms from the 10 individuals who provided a reason for the summons' lack of clarity offered a variety of reasons.

A majority (55.4%) of respondents reported that they found the prospect of serving on a jury interesting when they received their summons. Only 15.8% of respondents had sought to be excused from jury duty upon receiving a summons. Those seeking to be excused had a variety of reasons for doing so. Only one person had his request denied; and three did not hear back from the court prior to appearing for duty.

Accessibility of the Court

Only 3 individuals out of 72 who answered the question reported calling the court prior to jury service to request special accommodations. Only 5 out of 75 individuals had arrived at the courthouse in a way other than a private automobile. Nearly three-quarters (74.6%) had driven themselves. Similarly, of the 66 individuals who had arrived by private vehicle and who responded to this item, 54 (or 81.8%) reported that parking was clearly marked, and 92.1% said they were able to park quickly and easily. Four-fifths (80.3%) reported they were able to park close to the courthouse entrance.

Very few individuals (approximately 5%) reported any problems getting into the courthouse. Two-thirds of those responding (68.9%) said they were able to find their way around inside the courthouse. When they did encounter difficulties, respondents most often asked court staff for directions. Prospective jurors overall (87.5%) found that the court provided adequate space and furniture.

Jury Orientation

Only one-fifth (21.7%) of respondents reported that written juror information was made available to them. Eleven out of 13 said they read the information. Only one person reported that the handout was made available in alternate formats such as Braille or audiotape. Seven out of the 11 said the written materials were helpful.

Four-fifths of the sample (82.6%) said they watched a video or slide presentation on juror orientation. More than two-thirds (69.6%) of those responding said this audio-visual presentation was helpful, while 30.4% said it was only somewhat helpful. Only 4 individuals offered a specific reason that they thought the presentation was of limited help.

Over four-fifths (85.7%) of respondents reported that a judge or court clerk conducted a live juror orientation. Close to three-quarters (71.1%) found this very helpful. Again, only 4 people explained why they found it less than very helpful.

Helpfulness of Court Personnel

A very small proportion (8%) of respondents indicated they had further questions or concerns following juror orientation. A full 85.7% of all respondents felt they had an opportunity to ask questions or voice their concerns to court personnel. An even larger proportion (92.8%) of those who responded said they felt comfortable asking questions of court personnel. However, while 4 individuals said they did not feel comfortable asking questions, more than one-fourth (26.3%) of the sample did not respond to this question. Overall, 91.0% of respondents rated court personnel as very helpful. Again, 9 people did not address this question in their responses. Over half (58.5%) of respondents indicated they were looking forward to serving as a juror.

Attitudes of Sample Reporting for Jury Duty⁹

Jury Duty

Self-assessed familiarity with the Florida court system was relatively slight among our sample. (See Appendix F for a table of these results in comparison to those of telephone respondents.) On an ascending 7-point scale, the respondents' level of familiarity was 3.00. Despite this self-reported familiarity, these same respondents tended to rate the court system overall somewhat positively (4.48 on a 7-point scale), and assessed their confidence in the system positively if not enthusiastically (4.59 on a 7-point scale). Respondents were quite optimistic, as well, regarding the impact of the Florida court system on the daily lives of the State's citizens. When asked to indicate their level of agreement that the system makes an important difference, they produced a mean response of 5.34 on a 7-point scale of ascending importance. Also, respondents strongly agreed that jury duty is an important opportunity to participate in the democratic process (6.22 on a 7-point scale) and they strongly disagreed with the statement: "I do not feel that

⁹Depending on the item, 40-50 individuals in the on-site sample responded to the attitude portion of the survey.

my role as a juror within the Florida court system is important” (2.46 on a 7-point scale).

Appraisal of the Court System

The above assessments notwithstanding, the sample of persons who reported for jury service tended to agree (5.08 on a 7-point scale) that too many obviously guilty persons escape punishment due to legal technicalities. The sample, overall, was slightly pessimistic in their appraisal of the ability of the average person to understand court procedures (3.88 on a 7-point scale). At the same time, these prospective jurors disagreed overall (2.46 on a 7-point scale) that the “procedures for jury selection are applied impartially.” Interestingly, however, this sample of dominantly older individuals agreed that “the Florida courts treat elders and non-elders alike” (5.13 on a 7-point scale). Finally, these respondents tended to be non-committal in their assessment of the statement that “Florida court cases are concluded in a timely manner” (score of 4.32 on a 7-point scale).

Jury Selection

Among the 76 individuals who reported for jury duty and completed a questionnaire, 34 were called to the jury selection stage. All but one of the 34 indicated they were able to determine easily when their juror number was called. Everyone who responded said they were able to get to the appropriate courtroom easily. Only one person reported difficulty in getting to his or her seat in the jury box. Three individuals indicated they were able to obtain aids such as assistive listening devices from the judge or bailiff.

Seven individuals out of 33 (21.2%) said the judge was understandable when the judge gave instructions “most of the time” rather than “all of the time.” All seven said the difficulty was that they could not hear what the judge was saying. When asked about how understandable the lawyer was, eight responded “most of the time” but another two responded only “some of the time.” Among the reasons given for their responses, no single reason stood out.

Three of 32 respondents (9.3%) who answered the question said they had sought to be excused as a juror during jury selection. One had a trip planned, another did not speak English, and the third cited another reason. Only one person out of 31 who responded to the question said that he or she was not given an opportunity to ask questions or voice concerns during jury selection. Again, only one person indicated discomfort in asking questions or voicing concerns about being a juror during voir dire.

Five individuals out of 31 respondents (16.1%) said the judge did not make specific mention of available assistance for special needs such as sign language interpreters or assistive listening devices. All 28 who responded to a second question said the judge, the lawyers, and court personnel all treated them with respect.

Only one person out of 28 responding felt uncomfortable with any of the questions asked by the judge during jury selection. Two people indicated that at least some of the lawyers' questions made them feel uncomfortable. When asked whether the judges' questions communicated the prospective juror's true attitudes or opinions about the case or issues at hand, only one responded negatively. When asked the same question regarding the lawyers, 4 individuals answered "no."

Only one person out of 15 not chosen to serve on a jury indicated that he or she was told the reason by either the judge or the lawyers (only 16 persons responded to this item). When asked why they personally thought they were selected or not selected, 3 out of 29 individuals who answered the question said they did not know. When asked to comment, 18 did so and cited a variety of reasons. Nineteen out of 23 (82.6%) respondents felt that the judge or lawyers made a correct decision about their participation on the jury. Four individuals believed an incorrect decision was made. Finally, everyone, regardless of whether selected or not, was asked the extent to which they found the jury selection process interesting. Among 28 individuals with valid responses, 23 (82.1%) said it was interesting "all of the time" or "most of the time," while the other 5 persons said it was interesting only "some of the time."

Jury Service

When those 9 respondents who were impaneled on a jury were asked if they were able to obtain any needed specific aids or assistance during the trial, only 5 individuals responded; and all 5 responded affirmatively. All 9 respondents said that the testimony was clear and understandable either "all" or "most" of the time. When asked whether they were able to see all of the evidence that was shown, all but one replied affirmatively. That individual indicated the question was not applicable. All nine respondents who had served said getting in and out of the jury box was very easy.

Again, 5 respondents indicated they were able to obtain any assistive devices they needed once in the jury deliberation room. All 7 of the persons who responded to the question said the jury deliberation room had adequate space and furniture. Everyone (all 9) agreed that both the judge and the lawyers treated them with respect throughout the trial. These same individuals also felt that other court

personnel as well as the jurors treated them with respect. They all also perceived that court personnel were very helpful during the entire course of jury duty.

Two-thirds (6 of 9) of those who served on a jury found the trial they served on interesting “all of the time.” The other 3 said it was interesting “most of the time.” Only 1 out of 9 indicated that they experienced difficulty getting to the area to which they needed to go in order to check out of jury duty.

The 6 individuals who responded were equally divided in their opinions as to whether the compensation they received for jury service was adequate. Nevertheless, the 9 individuals who served rated the experience of the total trial process highly (8.55 on a 10-point scale).

Post Experience Attitude Questions

The 22 individuals who completed the attitude portion of the survey after finishing their court experience still did not feel familiar with the Florida court system. On a 7-point scale, their average response was 3.22. Their overall evaluation of the system was moderately positive (5.14 on a 7-point scale) and they registered slight confidence (4.90) in the system. They were more positive in their appraisal of whether or not Florida courts made an important difference in the day-to-day lives of Florida citizens (5.45 on a 7-point scale). Like those who answered these questions at the outset of their court experience, they felt that too many obviously guilty persons escape punishment due to legal technicalities (5.38 on a 7-point scale). Respondents were only slightly positive in their appraisal of the ability of the average person to understand court procedures (4.68 on a 7-point scale). Overall, respondents were virtually neutral (4.36 on a scale of seven) in their assessment of the statement: “It is better for a society that several guilty people be freed than one innocent one is wrongfully imprisoned.”

The attitude portion of the survey contained a number of items that asked respondents to assess the fairness or equity of Florida’s courts. The respondents were virtually non-committal in deciding whether whites and minorities are treated alike (4.50 on a 7-point scale). The same is true in their comparison of the treatment of poor people and wealthy people (4.15). However, they were significantly more positive in their assessment of the court’s treatment of persons with disabilities and non-disabled (5.20), men and women (5.75), and elders and non-elders (5.50).

Those who registered their attitudes at the conclusion of their court experiences were more in agreement with the statement that “jury duty is an important opportunity to participate in the democratic process” (6.36 on a 7-point scale) than with any of the other items, and they registered the highest disagreement with the statement, “I do not feel that my role as a juror within the

Florida court system is important” (2.45). Their level of agreement with the statement, “Procedures for jury selection are applied impartially” was moderately positive, as well (5.55). Likewise, they tended to agree that “Florida courts are impartial and apply laws as written” (5.30), and that “If the courts function properly, it deters crime” (5.25). Finally, they registered only slight agreement (4.89) with the statement that “Florida court cases are concluded in a timely manner.”

Overall, the responses of those 22 individuals who filled out the attitudes section of the survey upon completion of the jury experience were very similar to the responses of the 76 individuals who registered their attitudes while in the jury assembly room. However, on almost every item dealing with appraisal of the court system and the importance of jury duty in general, the scores of the 22 were slightly more positive, suggesting that participating in the jury process may have exerted a positive effect.

Survey of Persons Not Reporting To Jury Duty

Experience With the Jury Summons

Only 5.1% of the respondents who had not reported for jury duty found their summons unclear in any way. No one area on the summons was unclear; rather, many persons just needed further clarification on different sections or they did not speak English. A majority of the respondents (59.0%) did not find the prospect of serving on a jury interesting. In fact, 82.9% of the respondents sought to be excused. In most of the cases in which respondents sought to be excused, they did not give any reasons for their action. In one-quarter of the cases, they stated they did not feel physically capable to serve on a jury. For a little over half (52.5%) of the respondents who sought to be excused, the court granted the excusal. Of the 97 respondents who sought to be excused, 44.3% reported that they never heard back from the court.

In order to probe further the reasons why jurors did or did not want to report for jury duty, they were asked if they would report for jury duty if summoned in the future. In response, 34.2% said they would show for jury duty, while 54.7% said they would not report to jury duty. The most often cited reasons were age and health problems.

Accessibility to the Court

Out of 117 participants, 18 indicated they had reported to jury duty on a previous occasion within the last five years and, in turn, responded to the questions concerning that experience. All of the respondents drove themselves to the courthouse. All but one found that parking for jurors was clearly marked. All but two of the participants said they had been able to find a parking spot quickly and

easily that was close to the courthouse entrance. All were able to locate and enter the courthouse entrance quickly and easily.

Once inside the courthouse, a little more than half of the respondents had been able to find a map indicating the various rooms and facilities within the courthouse. None of them had any problems locating or finding the areas they needed to be in.

All but one potential juror felt there was adequate space and furniture in the jury assembly room. In seven of the cases, a juror handbook or information handout was made available. All but one of the jurors who was given a juror handbook or information handout felt it was very helpful. Half of the respondents watched a juror orientation videotape. Seven out of the nine who watched the video felt it was very helpful. The remaining respondents felt the video was somewhat helpful. The respondents unanimously felt that court personnel were very helpful.

Jury Selection

Among the 18 respondents who said they had previously reported to jury duty, 16 indicated that they had gone on to jury selection. These respondents all indicated that they were able to determine when their names and/or numbers were being called for jury selection. Only one respondent reported having difficulty getting to his or her seat during jury selection. That person said there were people in the way.

Of the two respondents who indicated that they needed auxiliary aids and services, one was able to obtain them and one was not. The latter individual did not say why he or she was unable to obtain the aids. A large majority (14/18) felt that the judge was understandable all the time. Three-quarters (12) of the respondents felt that the lawyers were understandable all the time. A little over three-quarters (13) felt that they were easily able to ask questions about serving on a jury. In 7 of the cases, respondents reported that the judge mentioned the availability of assistance for jurors with special needs.

None of the respondents indicated that the questions asked by the judge made them uncomfortable. One, however, did relate that questions asked by the lawyers made him uncomfortable because of the way the questions were expressed, i.e., "The lawyer had an ego problem." All of the jurors felt that the questions asked by the judge and lawyers accurately communicated the jurors' attitudes and perceptions about the case at hand.

Nine of the 18 respondents were selected to be jurors. Only one juror felt that the lawyers and/or judge had made an incorrect decision in selecting or not

selecting the person or to be a juror. Again, 14 out of 16 of the respondents had found the selection process interesting either most of the time or all the time.

The Trial

Former jurors who responded to questions about a previous trial they had witnessed (n=8), all felt that the testimony was clear at least most of the time. They were all able to see the evidence presented. During jury deliberation all but one person who needed assistance was able to obtain assistance. This respondent did not indicate why he or she was unable to obtain assistance. One juror was frustrated by the fact that he could not talk to other jurors about the trial until the trial was over. All of the respondents felt that the judge, lawyers, court personnel, and other jurors treated them with respect. All indicated, as well, that court personnel were extremely helpful throughout the trial process. Finally, all 8 found the trial interesting at least most of the time.

They were all able to locate the area to which they needed to go for jury duty. All but one juror was eligible for compensation. The respondents were split on whether the compensation was sufficient, i.e., 4 felt it was and 3 felt it was not. The respondents gave an overall rating for the total trial process of 8.6 on a 10-point scale. Five of these respondents said they were more willing after this experience to serve on another jury.

Attitudes of Telephone Survey Respondents

In terms of the respondents' overall familiarity with the Florida court system, 12.8% felt they were very familiar with the system, 37.6% felt that they were somewhat familiar, 30.8% were not very familiar, and 18.8% said they had no experience with the Florida court system. (See Appendix F for a table of these results in comparison to those of on-site respondents.) The overall evaluation of the Florida court system by these respondents went as follows: 4.3% found it to be excellent, 36.8% felt it is good, 21.4% felt it is fair, and 4.3% felt it is poor. The remaining 33.3% did not know or did not respond. Two-fifths (40.2%) of respondents felt mostly to very confident that Florida court system results are just and correct.

When asked to indicate their level of agreement or disagreement regarding several general statements about the legal system, 75.2% of respondents agreed that too many obviously guilty persons escape punishment. When asked whether the average person can understand court procedures, respondents were somewhat split on the issue. A little less than half (47.0%) agreed and 39.3% disagreed. Nearly two-fifths (38.5%) of them said they felt strongly about their opinion on this issue. Respondents also were split in their agreement with the statement, "It is better for society that several guilty people are freed than one innocent one is

wrongfully imprisoned”: 35.9% agreed with this statement and 34.2% disagreed. The remainder either were undecided or did not respond. Of those who registered a response, two-fifths, again, felt strongly about this issue.

When asked how they felt about the treatment of different groups by the Florida court system, respondents were inclined to feel that the courts treated these groups alike; although they clearly registered more reservations about this than did the sample who reported for jury duty. When asked if Florida courts treat whites and minorities alike, 42.7% who responded agreed with this statement and 20.5% disagreed. More than one-third (35%) of those who responded said they felt strongly about this issue. Only slightly more than one-third (35.9%) of respondents felt that Florida courts treat persons with disabilities and non-disabled people alike, although about half of the respondents did not know or did not respond to how they felt about this statement. More than half (57.3%) of the respondents felt that Florida courts treat men and women alike. Slightly less than a quarter (23.0%) failed to respond to this question. A little more than half (53.8%) of the telephone respondents felt that Florida courts treat elders and non-elders alike. The comparison groups that respondents felt the Florida courts treat the least equally are poor people versus wealthy people. Forty-one percent of respondents disagreed that poor people and wealthy people are treated alike, while only 25.6% agreed, and 23.9% either did not know or did not respond. Nearly half (47.9%) registered a strong opinion on this issue. Overall, about two-thirds (42.7%) felt that Florida courts are impartial and apply laws as written. Only 15.4% disagreed with that statement. Less than one-third (31.6%), however, felt strongly about this particular issue.

Almost all of the respondents (92.3%) expressed the view that jury duty is an important opportunity to participate in the democratic process and 82.1% felt strongly about their view. Just over one-quarter (26.5%) of telephone respondents felt that their role as jurors within the Florida court system is not important, while nearly two-thirds (65.8%), disagreed with that statement. Nearly three-fourths (71.8%) said they felt strongly about their opinion. A slight majority (51.3%) of respondents felt that procedures for jury selection are applied impartially, and 12.8% disagreed.

Three-quarters (75.2%) of respondents felt that if the courts function properly, they deter crime. Only 13.7% disagreed with this statement. Respondents were split evenly (26.5% agreed and 26.5% disagreed) with regard to their level of agreement with the statement, “Florida court cases are concluded in a timely manner.” Just over half (52.1%) of the respondents registered a strong opinion about this particular issue.

Focus Groups of Persons With Disabilities

Attitudes Toward Florida Courts and Jury Service

Prior to being asked to state their views on the courts in the focus group sessions, focus group members were asked to complete a structured Likert-scaled questionnaire on attitudes towards Florida's courts and jury service in Florida. Their responses, when compared to those of the two survey samples, indicated that focus group participants felt more familiar with the Florida court system than did those who reported for jury duty but less familiar with it than did those survey respondents who did not report for jury service. (See Appendix F for a comparison of results from the attitude questionnaire across the two survey samples of persons summoned for jury duty and the focus groups.) Their overall evaluation of the court system was virtually identical to the survey respondents, however. Their stated confidence in the Florida court system falls between that of the on-site survey respondents and the telephone survey respondents.

Interestingly, focus group members were significantly less likely to think that too many obviously guilty persons escape punishment because of legal technicalities than were the two survey samples (60.3% vs. 72.3% and 75.2%). On nearly all of the remaining structured attitude questions, as well, focus group participants expressed responses that are at marked variance with those of the two survey samples. Overall, their attitudes toward the courts and jury service are considerably more negative. While, for example, 42% of the on-site sample and 47% of the telephone sample agreed with the statement, "The average person can understand court procedures," only 28.8% of focus group participants agreed and nearly half (46.6%) disagreed.

Similarly, with regard to the statement, "The Florida courts treat whites and minorities alike," 48.9% of on-site respondents and 42.7% of focus group members agreed, while only 23.3% of focus group members did. With respect to the statement, "Florida courts treat poor people and wealthy people alike," a full 63% of focus group participants disagreed, compared to 36.7% and 41.0%, respectively, of on-site and telephone survey respondents. Further, in considering the statement, "The Florida courts treat disabled and non-disabled people alike," 42.5% of the individuals with disabilities composing the focus groups disagreed, compared to only 17.4% of the on-site sample and 6.8% of the phone survey sample. Furthermore, only about one-third (32.8%) of the focus group participants agreed with the statement, "The Florida courts treat elders and non-elders alike," while nearly two-thirds (63.0%) of the on-site respondents and 53.8% of phone survey respondents felt this way.

Differences are no less dramatic when the courts' treatment of men and women is assessed. While 71.1% of on-site respondents and 57.3% of phone survey respondents agreed that men and women are treated alike by Florida courts,

only 30.2% of the focus group members voiced agreement. Then when asked to respond to the more abstract statement, “The Florida courts are impartial and apply laws as written,” about one-third (32.9%) of focus group respondents said they agreed, compared to 60.9% of the on-site survey respondents and 42.7% of phone survey respondents. Finally, in responding to the statement, “Florida court cases are conducted in a timely manner,” 45.3% of the focus group participants registered disagreement compared to only 27.5% of the on-site survey respondents and 26.5% of phone survey respondents.

With regard to issues specific to jury duty, the views of the focus groups relative to those of the two survey samples were also more negative. When asked to express their stance on the statement, “I do not feel that my role as a juror within the Florida court system is important,” 30.2% of the focus group participants said they agreed, while agreement was voiced by 14.3% of on-site survey respondents and 26.5% of phone survey respondents. The disparity became larger when each group was asked to assess to what degree they perceived that procedures for jury selection are applied impartially. About one-third (32.9%) of focus group members registered agreement at some level while 84.4% of on-site survey respondents and 51.3% of phone survey respondents said they agreed.

When asked to address the larger issue of the role of jury duty in the democratic process by registering level of agreement or disagreement with the specific statement, “Jury duty is an important opportunity to participate in the democratic process,” a large majority of all three groups said they agreed. However, the differences were still significant. While 87.5% of on-site survey and 92.3% of phone survey respondents indicated agreement, that proportion among focus group members was at least 20 percentage points less (72.6%). (Responses to the remainder of the structured attitude items of all three groups can be found in Appendix F.)

Summary of Focus Group Discussions

Attitudes and Experiences With Florida Courts

Although, on balance, the attitudes of persons with disabilities toward Florida’s courts as expressed by members of the seven focus group sessions are negative—indeed, a significant number, especially among younger individuals, could be aptly described as essentially alienated from the courts—attitudes as expressed in the focus group discussions appear to vary significantly according to the degree of exposure to the courts and the age of the focus group participants. In general, the more experience with the courts, the more positive the attitude; and the younger the person with disabilities, overall, the more negative the expressed attitude. While not ascertainable from the focus group data, it is possible that the

variation in attitudes toward the courts may reflect the differences among the individual courts in their interactions with persons with disabilities.

Those persons who have never reported for jury duty or otherwise appeared as a witness or litigant tend to feel that the courts are either not interested in their serving as jurors or that the courts are unable to accommodate their disabilities. Consequently, even if they report for jury duty, they reason, they will be dismissed at the time of jury selection. Younger members of the focus group sessions tend to feel that for many court personnel, physical disability is equated with mental incapacity. Younger individuals with disabilities also are more likely than their older counterparts to assume that the courts cannot accommodate significant disabilities, at least ones other than wheelchair accessibility.

Individuals, regardless of age, with the most negative attitudes toward the courts seem to be those who have asked for accommodations but have either been turned down or not received any response at all. These individuals tend to assume that it is their particular disability that explains the failure of the courts to respond to their request. Those who have not visited the courthouse and, thus, have not actually been accommodated, appear to be the ones most likely to feel that providing such accommodations would prove too great a burden on the courts; and they do not want to be perceived as creating that burden. The result of these perceptions is that, in many cases, these individuals will not respond to a jury summons, feeling that their effort to report or even respond at all is a waste of time.

Experience With Florida Courts in Accommodating Disabilities

As indicated above, many persons with disabilities assume that the courts cannot provide accommodations to effectuate their service on a jury. These tend to be individuals who have rarely, if ever, visited the courts. Those who have visited the courthouse, on the other hand, generally have found the accommodations to be satisfactory. This indicates that the courts can, and at least some have, provide accommodations for individuals with disabilities that allow them to participate in the jury process in relative comfort.

The experience that persons have had with requesting and receiving accommodations appears to be uneven and may reflect the particular courts involved. Those courts that are interested in making accommodations available probably are doing a satisfactory job in providing them. Other courts, it appears, effectively turn people with disabilities away when a request for accommodations is made by either summarily excusing them from jury duty or by not responding to or even acknowledging their requests. Several focus group participants reported that they had never been summoned again since making such a request.

Ways Florida Courts Might Attract Persons With Disabilities to Jury Service

The most important obstacles that, according to the focus group participants, prevent persons with disabilities from reporting for jury duty are:

- Concerns with transportation to and from the courthouse;
- Concerns with ease of mobility in getting from the parking lot into the courthouse and in getting around once inside, especially dealing with stairs;
- Concerns with having frequent breaks and having easy access to restrooms during those breaks; and
- The assumption, especially among younger persons, that they will not be selected for jury duty anyway, even if the above concerns were addressed satisfactorily.

Individuals with disabilities identify obtaining reliable transportation as a major challenge. Ensuring arrival at a certain time, especially early in the morning, is a particularly stressful experience. Older individuals with physical limitations remarked that they have only a limited amount of energy to draw on to get them through the day and that a task such as getting to and from the court drains them of energy needed for other basic activities of daily living.

Persons with physical limitations also observed that sitting for long periods of time can be especially uncomfortable because they have fewer options for easily changing their position and getting comfortable. This is one of the reasons that having frequent breaks in court proceedings is of concern.

Some persons with disabilities, especially younger individuals, expressed frustration at not having the opportunity to serve as jurors. They observed that they have more time than many others for such duty, but they are not asked.

Thus the courts can take important steps toward increasing the participation of individuals with disabilities in jury service by providing transportation, ensuring ease of movement into and around the courthouse, providing frequent breaks during court proceedings, and ensuring overall comfort. However, the courts must begin with significantly improving their outreach to persons summoned for jury duty. It is at this early stage, it appears, that far too many prospective jurors are turned off, if not turned away, from this opportunity for meaningful participation in the community and in the administration of justice.

SUMMARY AND CONCLUSIONS

ADA Compliance

Overall, the courts generally appear aware of and sensitive to disability issues. A vast majority of the courts have assigned a staff member to function in some capacity as an ADA coordinator; however, this is not necessarily a full-time position. Within the courthouse, this person coordinates efforts to comply with Title II of the act and disseminates information about disability issues.

It seems that many courts have provided training on ADA compliance and other disability issues to staff at a variety of levels. All of the courts note that policies and procedures are in place for identifying cases requiring reasonable accommodations under the ADA. Most courts also feel that these policies and procedures are effective in identifying these cases. Based on their reports, Florida courts appear aware of and informed about their obligations under the ADA.

A large majority of the courts indicated they are capable of accommodating persons with disabilities through the provision of staff assistance and facility accessibility. However, when it comes to more complex and less frequently requested accommodations—such as making written information available in alternate formats, providing qualified sign language interpreters or real-time reporters, and other requests for accommodations by persons with disabilities other than mobility impairments—the courts clearly have less experience. Some courts noted that simply do not have these kinds of accommodations available because they do not see the need for them within their community.

When the courts were asked directly about how accommodating ADA requests has affected trial length or how effective the accommodations have been for the potential and/or impaneled juror, about half of the courts could not say because they did not have enough experience.

A few courts did indicate that it was difficult to obtain services such as real-time transcription services and qualified sign language interpreters in their area. Only about one-half of the courts indicated that it was moderately to extremely easy to obtain these services. About one-third of the courts reported that these accommodations are available, but the courts just do not have enough experience with providing them to assess the level of difficulty in obtaining them. Courts do not have the experience, they related, because these accommodations are rarely, if ever, requested.

The question that arises from the courts' lack of experience in providing some of the more complex accommodations is, "Are Florida courts really ready and able to provide these accommodations should the need arise?"

If the goal of the Florida State Courts System is to increase participation in jury service, then the courts must be prepared to accommodate all persons who have been summoned and not properly excused from jury duty. Survey data indicate that the courts are generally aware of what is needed to accommodate older persons and persons with disabilities, but some courts lack experience in providing auxiliary aids and services or other accommodations. Furthermore, the courts do not seem to see the need for these accommodations among the population that the courts serve. Ability is reflective of experience. Without this experience, some of Florida's courts appear to be unprepared to provide the full range of accommodations required by the ADA.

The absence of experience in some jurisdictions in providing certain accommodations, along with the courts' perception that there is no need among potential users for such accommodations because they are rarely or never requested, are troubling. These perceptions and experiences may reflect or could invite a type of self-fulfilling prophecy. That is, prospective jurors or other potential court customers with significant disabilities may be peremptorily excused from jury service or discouraged from accessing the courts because they believe that the accommodations they need are not available. This situation may be perpetuated if the court, thinking there is no need for auxiliary aids or services because no one requests them, decides not to advertise that such accommodations are available.

Older persons and persons with disabilities may become disenfranchised and automatically seek excusal from jury duty. Furthermore, jury duty is often perceived as an inconvenience. Older persons and persons with disabilities may attempt to opt out of jury service rather than participate. And the court may too readily excuse them or even remove them permanently from the jury pool without proactively inquiring as to whether auxiliary aids or services would enable the individuals to participate.

Perhaps even more immediately troubling than the potential ill-preparedness of some courts to make available more complex accommodations is self-reported information indicating that some Florida courts may not be complying with the basic requirements of the ADA. Examples include:

- Never having used any auxiliary aids or services (21.9% of the sampled courts reported never having used any auxiliary aids and services).
- Not having at least one hearing-aid compatible telephone and one telecommunications device for the deaf (TDD) available (only 43.8% of courts do).
- Not having tactile signage inside the courthouse (only 53.1% of courts do).
- Not having at least one wheelchair-accessible jury box (only 59.4% of courts do).
- Not having assistive-listening devices available in the jury deliberation room (only 56.3% of courts do) or jury box (only 71.9% of courts do).

Moreover, training on ADA compliance has been completed for the clerk's office staff in only 31.3 percent of the sampled jurisdictions, for court administrative staff in 71.9 percent of the sampled courts, and for judges in only 59.4 percent of sampled courts. While the courts would benefit from additional training for all officers and staff, it seems clear that the clerks of court are lagging far behind in providing training on the requirements of the ADA.

It is acknowledged that the courts are not required to provide auxiliary aids or services unless they are requested. Therefore, these courts cannot automatically be assumed to have violated the ADA. However, given the large population of older citizens and citizens with disabilities in the State of Florida, along with the large volume of court cases and the number of citizens who have contact with the court system, it seems unlikely that there is any jurisdiction in this state where there has never been a need for an auxiliary aid or service, although that need might not have been expressed to the court.

Courts are only required to have these adaptive telecommunication devices available to jurors if the courts have other telephones available to jurors.

Pursuant to the federal regulations, the courts are not required to retrofit existing jury boxes. However, in those instances the courts are required to provide program accessibility. Furthermore, in courtroom renovations or new construction, higher standards of architectural accessibility apply.

Citizens Participating in the Study

Individuals in each of the three stages of the jury process—assembly, selection, and service—had few complaints about court accessibility and treatment by court personnel. Moreover, most individuals who reported for jury duty found the experience interesting and gave the court system relatively high marks overall. However, they did question the fairness of the justice system in some respects, particularly in regard to the treatment of poor people versus wealthy people and minority people versus white people.

The focus group participants had a different outlook on the courts' accessibility and ability to accommodate the various needs of persons with disabilities. Focus group participants who have never reported for jury duty or otherwise appeared at the court as a witness or plaintiff tended to feel that the courts are either not interested in their serving as jurors or that the courts are unable to accommodate their disabilities. Consequently, they reasoned that even if they reported for jury duty they would be dismissed at the time of jury selection.

Important differences exist between individuals who reported for jury duty and completed the questionnaire on-site and those who did not report for jury duty and were interviewed at home by telephone. The general attitudes of those who volunteered to complete the survey on-site may well be different from the general attitudes of those who chose not to participate in the on-site survey. A similar attitudinal difference may have determined who was willing to complete the telephone interview and participate in the focus group sessions as well.

To the extent, however, that those who responded are representative of their respective populations, it appears that those who reported for jury duty and those who did not are two quite distinct populations of elders. In fact, socio-demographically, the former is younger, better-educated, and more experienced in jury service. Those who reported to jury duty generally were veteran jurors who had served or at least reported for service on several occasions. Moreover, they appeared to include a disproportionately small number of individuals with disabilities.

Because so few persons with disabilities turned up in the surveys, seven focus group sessions, each composed of an average of 12 individuals with disabilities, were assembled. The focus group participants were asked to respond to a series of questions covering issues similar to those in the surveys.

Attitudes Toward the Courts and Jury Service

Overall, despite differences in age, education level, and jury experience, the very positive attitudes regarding the value of jury service are quite similar for those who reported to jury duty, those who did not report, and participants in the focus group sessions. Interestingly, all three groups, including those in the on-site sample who completed the survey questions after having just been through the jury process, tended to feel largely unfamiliar with the court system and viewed its procedures as beyond the understanding of the average person. However, this was less the case for participants in the focus group sessions than for respondents to the surveys.

Notwithstanding the high value assigned to jury service by all three samples, telephone respondents (83.8% of whom said they were 70 or older) reported less interest in actually serving on a jury than those who reported for jury duty and those who participated in the focus group sessions. Florida Statutes authorize individuals age 70 and older to be excused from jury duty upon their request (see §40.011(8), Fla. Stat.). It is possible that the lack of interest in jury service among telephone survey participants may have prompted their requests for excusal. This lack of interest in jury service accompanied a somewhat more negative attitude toward courts on the part of the telephone survey sample.

On virtually every survey question addressing confidence in the impartiality of Florida's courts, persons in the focus group sessions registered opinions that are decidedly more negative than the on-site survey and telephone survey populations. The overall negative outlook of both individuals who did not report for jury duty (who tended to be older) and the focus group participants (who tended to have more severe disabilities) suggests that there is a significant population of older citizens and citizens with disabilities who feel alienated from the Florida State Courts System.

Interestingly, telephone survey respondents believed they had a greater familiarity with the courts than did the on-site sample, although the on-site sample had more overall experience with jury service. Of note also, a very substantial proportion of telephone respondents who asked to be excused from jury duty claimed that they never heard back from the court regarding their request. It is possible that this factor may have contributed to these survey respondents' less favorable opinion of the courts.

Finally, in responding to a question as to whether they would report for jury duty if summoned by the court in the future, a majority of the telephone survey respondents said they would not. The dominant reasons given related to age, health/disability, or a combination of the two. While this response may indicate that elders are seeking a reprieve after a lifetime of civic duty, it may indicate the presence of a widely-shared assumption that age, disability, or illness disqualifies

persons from jury service and/or that the courts cannot accommodate these perceived decrements. The latter indication certainly tended to be the dominant perception among focus group participants.

Moreover, the younger members of the focus group sessions tended to believe that judicial officers and court personnel equate physical limitations with mental or cognitive deficits. They therefore believed that reporting for jury duty or even responding to the jury summons is a waste of time because they would not be chosen to serve on a jury anyway. This perception that the courts lack knowledge about disability issues and/or lack interest in meeting the needs of persons with disabilities could explain, at least in part, focus group members' greater sense of alienation from the courts.

On the other hand, when the telephone survey respondents who sought excusal from the recent summons were asked if they were physically incapable of serving as a juror, only 23.7% indicated that this was the case. Thus, the overall negative attitudes toward courts (which suggest a sense of alienation from the courts) and the explanation of age or impairments as barriers to jury duty, may ultimately be rationalizations for other reasons these individuals fail to report for jury duty. One likely factor is inconvenience. Alternatively, lack of self-efficacy or feelings of incompetence in meeting the requirements of a juror could be a fundamental factor. Low self-efficacy was offered as one explanation for the failure of persons of lower socio-economic status to report for jury duty in the recently completed national survey of all age groups conducted by the American Judicature Society (Boatright, 1998).

The apparent sense of alienation from the court system and any feelings of inadequacy that may contribute to the alienation may very well be perpetuated, or at least reinforced, among elders by the statutory age exemption. Section 40.013(8), Florida Statutes, provides that:

A person 70 years of age or older shall be excused from jury service upon request. A person 70 years of age or older may also be permanently excused from jury service upon written request.

This provision sends a message that persons who have reached age 70 are no longer needed or are viewed as incapable of making a positive contribution to society as a juror. This exemption from juror service along with the aforementioned message implicit in the exemption may, in fact, be the principal reasons that this study captured so few persons 70 or older (28.1%) among the sample of persons 65 and older reporting to jury duty.

RECOMMENDATIONS

The Southeast Florida Center on Aging and the Supreme Court Commission on Fairness are pleased to present the following recommendations, which are responsive to the findings of the court survey, juror surveys, and focus group sessions. These recommendations are aspirational and provide a vision of a future Florida State Courts System where jury service is fully accessible to elder citizens and citizens with disabilities. Some of the recommendations are required by existing civil rights laws. Other recommendations go beyond the scope of state and federal laws to address additional court-related needs of elders and persons with disabilities.

Recommendations for Policy and Programmatic Changes

- 1. It is recommended that the statutory affidavit forms for jury service be available at locations that older persons and persons with disabilities frequently visit (e.g., post offices, libraries, banks, pharmacies, senior citizen centers, etc.).**

Given the small number of persons with disabilities who appear to report for jury duty in Florida, it is possible that these individuals are not included on jury pool lists. The inclusion of older citizens and citizens with disabilities in the jury pool may be negatively affected by Florida's reliance on the registry of persons with drivers' licenses and state-issued identification cards as the principal jury wheel. However, section 40.011, Florida Statutes, authorizes the clerk of court to "add to the list the name of any person who is 18 years of age or older and who is a citizen of the United States and a legal resident of Florida and who indicates a desire to serve as a juror . . . by requiring such person to execute an affidavit at the office of the clerk."

The Florida Legislature should amend the statutes to allow the affidavit form to be executed in additional locations and then submitted to the clerk of court. Then the Florida courts should make the statutory affidavit forms available at locations that older persons and persons with disabilities frequently visit. The affidavit forms should be available in large print and accompanied by clear and simple instructions on how to complete the form and submit it to the clerk's office. The affidavit forms should also be accompanied by up-to-date information on auxiliary aids and services that the courts can provide and instructions for requesting such accommodations.

2. **It is recommended that all requests for excusal that relate to illness or disability be referred for decision to the appropriate judge, who should confer with the court's ADA coordinator.**

Since so few people with disabilities report for jury duty in Florida, it is possible these individuals are being inappropriately excused from reporting to jury service. Inappropriate excusal can be initiated either when the potential juror seeks excusal due to mere inconvenience rather than true hardship, or when the courts dismiss a potential juror for the courts' convenience rather than statutorily-approved reasons. Persons with disabilities should be held to the same standards for excusal as persons without disabilities.

Judges with the authority to grant excusals should be trained on the requirements of the Americans with Disabilities Act, as well as reasonable accommodations that can be provided for older jurors and jurors with disabilities. Court ADA coordinators should be provided with comprehensive training and have sufficient time available to develop a knowledge of and relationships with social service providers and auxiliary aids and services vendors in their community. Judges with the authority to grant excusals should regularly consult with the court's ADA coordinator, especially in regard to cases involving less common disability-related requests for excusal.

3. **It is recommended that all judicial officers, clerks of court, and court staff undergo comprehensive training on the legal requirements of the ADA, as well as other court-related needs of elders and persons with disabilities.**

Training for judges, ADA coordinators, clerk's office staff, jury managers, and other jury staff should be especially thorough and emphasize how to obtain auxiliary aids and services. At a minimum, all judicial officers, court staff, and clerk's staff should be explicitly trained to know when to seek counsel from the court ADA coordinator.

Under Florida law, only a presiding judge is authorized to excuse from jury service a person "who is physically infirm" (see §40.013(5), Fla. Stat., and *Hoskins v. State*, 702 So. 2d 202 (Fla. 1997)). However, it is less clear whether authority to excuse from jury service a person "upon a showing of hardship [or] extreme inconvenience" (see §40.013(6), Fla. Stat.) can be delegated to a jury manager or other non-judge.

The results of this study convey a clear need for such training. Significant proportions of judges, court administration staff, and especially staff of the clerks' offices have not received even basic training on ADA compliance, disability awareness, or juror access issues. Judges should be informed about the need to announce the availability of auxiliary aids and services at all stages of the jury selection process. Also, judges must be reminded of the importance of speaking clearly and directly into the microphone at all times so that jurors who are hard of hearing can fully participate in the voir dire and trial proceedings.

- 4. It is recommended that the courts ensure that if telephones are available to potential and impaneled jurors for private phone calls, accessible telecommunications equipment is equally available.**

If potential and impaneled jurors are permitted to make phone calls, the courts should ensure that potential and impaneled jurors with disabilities have equal access to accessible telecommunications equipment. Accessible telecommunications equipment is readily available at a reasonable cost. Preferably, at least one hearing-aid compatible telephone and one telecommunications device for the deaf (TDD) should be located near the settings in which potential or impaneled jurors assemble. Potential and impaneled jurors with disabilities should not have to relay private or personal information through court staff because accessible telecommunications equipment is not available.

- 5. It is recommended that the courts ensure that all jury assembly rooms, courtrooms, and jury deliberation rooms are equipped with assistive-listening devices.**

Assistive listening devices can be used by some individuals who are hard of hearing to effectuate their participation in the jury process. The courts should immediately equip at least one jury assembly room, courtroom, and jury deliberation room with an assistive listening system. It is noted that some assistive listening systems are portable and could be moved from courtroom to courtroom, as needed. Furthermore, the courts should develop and implement a plan whereby assistive listening devices will be available in all jury assembly rooms, courtrooms, and jury deliberation rooms, within a reasonable amount of time.

- 6. It is recommended that the courts make real-time transcription services available whenever they are required by jurors who are deaf or hard of hearing.**

Some people who are deaf or hard of hearing cannot read sign language or benefit from the use of assistive listening devices. However, they may be able to participate in jury service through the use of real-time transcription services. Real-time transcription service involves a specially-trained transcriptionist, computer and software, and a display monitor. The transcriptionist enters what is being said in the courtroom and text appears on the monitor within a few seconds, enabling the hearing impaired juror to participate.

Courts should make real-time transcription services available whenever they are necessary to effectuate participation by jurors who are deaf or hard of hearing. Such services should be provided in accordance with the Florida State Courts Systems Policy on Court Real-Time Transcription Services, which includes provisions specific to the use of real-time transcription services for jurors.

- 7. It is recommended that the courts make restrooms easily accessible to all potential and impaneled jurors at every setting in which these individuals are found (i.e. jury assembly rooms, courtrooms, and jury deliberation rooms).**

The courts should attend to the physical needs, convenience, and comfort of potential and impaneled jurors. While the ADA may only require that accessible restrooms be available somewhere within existing court facilities, persons who need accessible restrooms the most are often the least physically able to travel long distances to reach them. The easy availability of accessible restrooms near the jury assembly rooms, courtrooms, and jury deliberation rooms should be assured.

- 8. It is recommended that the courts make all doors (entrance and internal) sufficiently easy to open by persons using mobility devices or persons whose mobility or physical leverage is impaired.**

The courts should ensure that potential and impaneled jurors encounter no unnecessary physical barriers to their participation. This principle includes small details such as doors with levered handles rather than doorknobs, doors with the appropriate pounds of pressure, and automatic opening doors. These readily achievable modifications are addressed in the ADA Accessibility Guidelines.

- 9. It is recommended that jury boxes and jury deliberation rooms be accessible to individuals with disabilities, including persons who use mobility devices such as wheelchairs and scooters.**

The ADA Accessibility Guidelines provide various accessibility standards for existing facilities, renovations, and new construction. All courthouse renovations and new construction should include jury box and jury deliberation room designs that are fully accessible.

While Title II of the ADA allows program accessibility to be utilized in existing facilities where architectural barriers exist, in order to honor the dignity of individuals willing to serve as jurors, existing courthouse facilities should immediately retrofit at least one jury box and one deliberation room to be fully accessible to individuals with disabilities, including persons who use mobility devices such as wheelchairs and scooters. Furthermore, the courts should develop and implement a plan whereby all jury boxes and jury deliberation rooms will be fully accessible within a reasonable amount of time.

10. It is recommended that the Florida courts provide facility maps on both wall directories and brochures.

Most citizens are infrequent visitors at the courthouse. The availability of facility maps on both wall directories and brochures will assist jurors in easily locating court services and programs. The availability of maps will not only eliminate confusion on the part of jurors and other visitors, but also reduce court staff resources necessary to direct jurors and visitors to the appropriate locations.

Maps on the wall directory should be of sufficient size and font to be readable from six feet away and displayed at or near all courthouse entrances. Brochures should be available in large print and other accessible formats.

11. It is recommended that jury managers, clerks, or ADA coordinators maintain records on the number and type of juror requests for ADA accommodations as well as the dispositions of those requests.

Collecting and maintaining information on juror requests for auxiliary aids and services will assist court managers make decisions on budget and facility planning. This information will also facilitate future studies and evaluations on the accessibility of jury service. It is recommended that courts maintain this information for a period of at least three years after the summons date. It is important to remember that such records must be maintained in a way that ensures the confidentiality of individuals requesting an accommodation.

- 12. It is recommended that jury managers, clerks, or other appropriate court staff maintain complete and accurate records on the number and type of requests for excusal and exemption from jury duty, which are based on age or disability.**

Collecting and maintaining this information should prove beneficial to judges and jury managers. This information will also facilitate future studies on the jury summons and excusal processes. It is recommended that courts maintain this information for a period of at least three years after the summons date. Again, it is important to remember that such records must be maintained in a way that ensures the confidentiality of individuals requesting an excusal based on disability, as required by the ADA.

- 13. It is recommended that jury summons forms request detailed information on requests for excusals, along with the prospective juror's current phone number so that the prospective juror can be reached easily for further clarification, if needed.**

Information on requests for excusals, including requests that are based on disability or age, will assist the judge in making better-informed decisions. Additional information on the nature of self-identified functional limitations will also assist the jury manager and ADA coordinator in determining what types of auxiliary aids or services may benefit a prospective juror.

- 14. It is recommended that the courts explore ways to improve juror yield.**

Many states experience low or less than ideal juror yields. Florida courts should explore ways to improve juror yields, including ensuring that (a) the summons is clear, (b) the statutory justifications for excusal are explained clearly, and (c) the penalties for failure to report for jury duty are very clearly delineated.

- 15. It is recommended that the courts enforce jury summonses and hold citizens accountable for jury duty.**

The right to a jury by one's peers is a fundamental value of the American justice system. Inherent in that concept is a jury pool that reflects the diversity of the community. Therefore, the jury pool should be as broad and inclusive as possible. Allowing a significant proportion of the population to "opt out" of the jury pool may negatively impact on the fairness of the Florida justice system.

The Southeast Florida Center on Aging and Supreme Court Commission on Fairness endorse the American Judicature Society's recommendation that courts enforce jury summonses. As stated earlier in this report, jury service is a privilege and responsibility of citizenship. No prospective juror should be absolved from this responsibility, absent a legally justifiable reason.

Florida courts should make every effort to follow up with individuals who do not respond to their jury summonses and offer them a second opportunity to either request excusal or report for jury duty. The Florida Legislature should review the adequacy of penalties for individuals who fail to report for jury service if they have not been excused by the judge.

The courts will benefit from holding citizens accountable for jury duty since jury service provides citizens with an opportunity to learn more about the actual operation of the courts, rather than the unrealistic portrayals in television dramas and some media accounts of high profile cases.

16. It is recommended that the courts respond in a timely manner to every request for excusal or exemption.

A timely response by the courts to requests for excusal or exemption from jury service will eliminate confusion and increase the public's trust and confidence in the justice system.

17. It is recommended that the courts and the Department of Highway Safety and Motor Vehicles ensure that the database that serves as the primary jury source list is as accurate and up-to-date as possible.

The American Judicature Society study found that a very large proportion of juror "no-shows" had never received a summons, primarily because the address recorded for the prospective juror was not current. Pursuant to section 322.19(2), Florida Statutes, whenever a person "changes the residence or mailing address . . . the person must, within 10 calendar days, either obtain a replacement license that reflects the change or request in writing a change-of-address sticker." A violation of this statutory requirement carries a penalty.

The State of Florida has a very mobile population. Regrettably, many citizens seem unaware of the requirement to notify the Department of Highway Safety and Motor Vehicles (DHSMV) when their address changes. DHSMV should increase its efforts to educate the public about this

requirement, perhaps through the production of public service announcements.

Furthermore, a fee is imposed for recording the address change and the process is viewed as inconvenient. DHSMV and the Florida Legislature should explore ways to accomplish the address change that are more convenient and less costly. It is noted that while the Florida Statutes also require citizens to notify the state of an address change in regard to a vehicle registration, no fee is imposed for that transaction.

- 18. It is recommended that the Florida Legislature consider whether the threshold age for exemption from jury service should be increased or eliminated altogether.**

More than 18% of Florida's population is 65 and older, and this population is expected to increase by one-third in the next 15 years. The Florida justice system should maximize this valuable reservoir of citizens who have a wealth of life experience. The Florida Legislature should seriously re-evaluate the threshold age of 70 for exemption from jury service.

The legislature should consider whether the age should be raised to 85 or, better still, eliminated altogether. The Florida justice system may be better served by relying on judges, who should be provided with special training (see Recommendation 2), to review and evaluate on a case-by-case basis requests for excusals based on age or disability.

- 19. It is recommended that the courts increase their efforts to educate the public about the jury process, as well as other court procedures and operations.**

The Florida courts should make every reasonable effort to demystify the jury process and other court procedures so that elders, persons with disabilities, and other citizens of the state feel that the courts are “for the people and by the people.” Participants in the focus group sessions expressed a feeling of alienation from the justice system. One way for the courts to begin bridging that disconnect is through public education about the importance of the jury process and other fundamental principles of the Florida justice system.

The courts should utilize a variety of media—including public service announcements, videos that might be broadcast during jury assembly, pamphlets, etc.—to educate the public about fundamental legal principles, improvements and changes in the jury system, court initiatives and

programs, and other justice system topics.

Recommendations for Future Research

The results of the survey of Florida courts indicate that people with disabilities are not a population that frequently visits the court in any capacity. As stated earlier, some courts indicated they have little or no experience in providing accommodations for individuals with disabilities. The reason for this lack of experience remains unclear. Is it that persons with disabilities feel that the courts are not able to address their needs and therefore choose not to venture to the courthouse? If this is the case, are the courts not letting it be known that they are willing and able to accommodate a range of disabilities? The fact that over two-thirds of court survey respondents indicated the judge either seldom or never mentions the availability of accommodations when the judge qualifies the jurors suggests that courts may not be effectively communicating this information to prospective jurors.

This leads to yet another question raised by the results of this study. Are the courts truly ready to accommodate a wide range of disabilities? It is evident that most courts are prepared to accommodate individuals with mobility limitations, but are the courts prepared to meet the needs of persons with visual or hearing impairments, for example? Persons with these disabilities may require more complex accommodations, such as qualified sign language interpreters or real-time transcription services. Most courts indicated they knew how to arrange these accommodations, but had little or no experience in actually obtaining them. As noted previously, there really is no compelling evidence that the courts are prepared to readily and comfortably accommodate an elder or disabled population with varying needs. Future research should explore these issues.

- 20. *It is recommended that the Florida State Courts System: a) closely monitor progress of the courts in reaching full accessibility statewide, utilizing clear goals and objectives and fixed time lines for compliance; b) launch a thorough and on-going effort to inform elders and persons with disabilities of that accessibility; and c) establish a mechanism for systematically monitoring the effectiveness of this educational effort.***

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